

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

.....

WP(C) no.324/2026

Union Territory of J&K and others

..... Appellant(s)

Through: Mr Abdul Rashid Malik, Sr. AAG

Versus

Mehraj-ud-din Khan and others

.....Respondent(s)

Through:

CORAM:

**HON'BLE MS JUSTICE SINDHU SHARMA, JUDGE
HON'BLE MR JUSTICE SHAHZAD AZEEM, JUDGE**

**O R D E R
23.02.2026**

1. Union Territory of J&K through Commissioner/Secretary to Government, PWD (R&B Department) and others have invoked extra ordinary writ jurisdiction of this Court under Article 226 of the Constitution of India for quashing the Order dated 22nd July 2025, passed by Central Administrative Tribunal, Srinagar in a case bearing OA no.767/2025, titled as *Mehraj-ud-din Khan and others v. UT of J&K and others*.
2. Respondents herein, working in R&B Department as Works Supervisors, felt aggrieved of the proposed refixation and exclusion of benefits under SRO 59 of 1990, which was previously granted to them after 1990, approached the Tribunal by way of an application, viz. OA no.767/2025,

seeking quashment of Circular no.CE/R&B/CK/Adm/11541 dated 4th April 2025, by which service benefits extended to them under SRO 59 of 1990 were sought to be withdrawn and pay scale of applicants/respondents refixed.

3. The Tribunal, while considering the prayer of respondents and circular dated 4th April 2025, vide which Drawing and Disbursing Officers were directed to refix the pay scale of the employees by withdrawing the benefits previously extended under SRO 59 of 1990, relied upon a similar matter, viz. OA no.1016 of 2021 titled *Mohd Yousif Joo v. Department of Jal Shakti, UT of J&K*, which was decided on 23rd April 2025, directing the authority concerned to calculate and release the retiral benefits in terms of pay revision granted under SRO 59 of 1990.

4. Thus, considering the order passed in OA no.1016 of 2021 titled as *Mohd Yousif Joo v. Department of Jal Shakti, UT of J&K*, the Tribunal has directed petitioners herein to consider the claim of applicants/respondents herein for continuation of benefits presently being paid to them in light of judgement passed in *Mohd Yousif Joo* (supra), by passing a reasoned and speaking order in accordance with law within a period of eight weeks from the date of receipt of the copy of the said order subject to the condition that respondents were found to be similarly situated employees.

5. Learned counsel for petitioners submits that this Court has already decided two similar matters, viz. WP(C) no.1730/2020 *Deshbir Singh v. UT of J&K and others*; and WP(C) no.2416/2024 titled as *Sita Ram and others v. UT of J&K and others*, wherein it has been held that the authorities are well within their rights to refix the pension or pay of its employees in accordance with their entitlement. It is also submitted by him that the Tribunal has restricted consideration of the case of respondents squarely in accordance with the judgement passed in *Mohd. Yousif Joo* (supra), *albeit* the subject-matter of the present case has already been set at rest in *Deshbir Singh* (supra) wherein the learned Writ Court has held that the concerned authority is within its rights to refix the pension of its employees on the basis of last pay drawn after deducting the benefits granted under SRO 59 of 1990. It is also submitted that the case in hand is to be considered and impugned order of the Tribunal is to be set-aside in light of the judgements pronounced by the learned Single Judge in *Deshbir Singh* (supra) and the Division Bench in *Sita Ram* (supra).

6. The Division Bench of this Court in WP(C) no.2416/2024 titled as *Sita Ram and others v. UT of J&K and others*, has considered the entire issue of grant of benefits under SRO 59 of 1990 and in paragraph 13 has given a finding that nothing prevents an employer from correcting the mistakes by which

higher pay scale is granted and that no employee, including one nearing his superannuation, is entitled to reap the benefit of an error committed by the employer while fixing the pay scale.

7. In the present case, since the only direction passed by the Tribunal is to consider the case of respondents for continuation of the benefits in light of judgement passed in *Mohd Yousif Joo* (supra) by passing a reasoned and speaking order in accordance with law, we, in view of the discussion made hereinbefore, deem it appropriate to modify the impugned order of the Tribunal to the extent that the petitioners herein while considering the case of applicants/ respondents herein shall also take into account the law laid down by this Court in WP(C) no.1730/2020 *Deshbir Singh v. UT of J&K and others*; and WP(C) no.2416/2024 titled as *Sita Ram and others v. UT of J&K and others*. With this modification, this writ petition is **disposed of**.

(Shahzad Azeem)
Judge

(Sindhu Sharma)
Judge

Srinagar
23.02.2026
Ajaz Ahmad, Secy