

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) 1154/2026

UT OF J&K and ORS.

...Petitioner(s)

Through: Mr. Jehangir Ahmad Dar, GA

Vs.

MOHD SYEDULLAH LONE

...Respondent(s)

Through: Mr. Gulzar Ah. Bhat, Advocate

CORAM:

HON'BLE THE CHIEF JUSTICE (ACTING)

HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE

ORDER

13.07.2026

01. Impugned in this petition filed by the Union Territory of J&K and Ors. is an order and judgment dated 28.04.2025, passed by the Central Administrative Tribunal Srinagar Bench ["the Tribunal"] in OA No. 915 of 2023 titled as "*Mohammad Syedullah Lone & Ors. Vs. UT of J&K and Ors.*", whereby the Tribunal has allowed the OA filed by the respondent herein and directed the petitioners herein to release the retiral/pensionary benefits in favour of the respondent herein in accordance with applicable rules particularly in light of order dated 27.09.2024 passed in OA No. 592 of 2023 titled as Mehraj UD Din and ors. Vs. UT of J&K and Ors, order dated 28.01.2025 passed in OA No.

51/2025 and another order dated 18.09.2025 passed by Jammu Bench of Tribunal in OA No. 1284/2025.

02. The order impugned has been assailed by the UT of J&K and Ors. on multiple grounds. However, a strong reliance was placed by Mr. Jehangir Ahmad Dar, learned GA appearing for the petitioners upon the judgments passed by this Court on 04.04.2025 in WP(C) No. 2416/2024 clubbed with WP(C) No. 3034/2024 and judgment dated 29.04.2026 passed in WP(C) No.2094 of 2025 titled UT of J&K and Ors. Vs. Mohammad Yousif Joo.

03. Mr. Jehangir Ahmad Dar, learned GA, further submits that the respondent is not entitled to the refund of the amount already recovered and that the petitioners cannot be restrained from making the recovery of the amount paid erroneously under SRO 59 of 1990 on the ground that at the time of grant of the benefit of the SRO 59 of 1990 the respondent had submitted an undertaking that in case any excess amount was found to have been paid to him on account of upgradation under SRO 59 of 1990, he would have no objection to the recovery by the department in accordance with rules.

04. Having heard learned counsel for the parties and perused material on record, we are of the considered opinion that the issue raised by Mr. Jehangir Ahmad Dar, learned GA

does not call for adjudication in this petition for the simple reason that such was not the case of the petitioners either before the Tribunal or before us in this appeal. It is only at the time of the arguments, the learned counsel for the petitioners passed on a copy of the affidavit submitted by one of the petitioners to contend that in the wake of undertaking given by the respondent, the petitioners cannot be even restrained from recovering the amount already received by the respondent erroneously in terms of SRO of 59 of 1990.

05. Be that as it may, in the given facts and circumstances, we are of the considered opinion that this petition is squarely covered by our judgments (supra) and is accordingly disposed of by providing as under:-

- i. The judgment passed by the Tribunal deserves to be upheld so far as recoveries from the respondent is concerned, but needs to be modified to the extent it restrains the petitioners from correcting the mistake for future and refixing the salary/pension of the respondent accordingly.
- ii. Ordered accordingly.
- iii. The petitioners shall be well within their right to correct the mistake and refix the salary and pensionary benefits as the case may be by

withdrawing the benefit of SRO 59 of 1990
erroneously extended to the respondent.

06. With the aforesaid modification, the judgment impugned is
upheld and this petition is disposed of in terms of above.

07. The petitioners to release the post retiral benefits in terms of
the judgment.

(Mohd Yousuf Wani)
Judge

(Sanjeev Kumar)
Chief Justice (A)

SRINAGAR:

13.07.2026

"S. NUZHAT"