

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

Case No. WP(C) No.301/2026
Caveat No.236/2026

Date of Pronouncement:- 16.02.2026
Uploaded on:- 17.02.2026

Union Territory of J&K and others

.....Applicant(s)/Petitioner(s)

Through :- Mrs. Monika Kohli, Sr. AAG with
Ms. Priyanka Bhatt, Assisting Counsel

v/s

Kewal Krishan and others

.....Respondent(s)

Through :- Mr. Abhinav Sharma, Sr. Advocate with
Mr. Abhimanyu Sharma, Advocate

**CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE**

ORDER(ORAL)

Per:-Sanjeev Kumar-J

01. In this petition filed by a Union Territory of Jammu and Kashmir and four others, an order and judgment dated 06.02.2025 (for short, "*the impugned order*") passed by the Central Administrative Tribunal, Jammu Bench Jammu (for short, '*the Tribunal*') in T.A. No.61/6534/2021 titled '*Kewal Krishan and Ors. Vs. UT of J&K and Ors.*' is under challenge.

02. The impugned order is challenged by the petitioners on the ground that the Tribunal has failed to appreciate that the respondents were paid the allowances and other sums mistakenly and therefore, there was nothing wrong on the part of petitioners to recover the same. It is argued that an employee cannot be permitted to be unjustly enriched.

03. Having heard the learned counsel for the parties and perused the material on record, we are of the considered opinion that the issue raised in this petition is fully covered by the judgments of the Hon'ble Supreme Court in the case of '*State of Punjab Vs. Rafiq Masih (White Washer)*' AIR 2015 SC 696 and '*Thomas Daniel Vs. State of Kerala and Ors.*' 2022 Live Law (SC) 438. There is no dispute that the respondents belong to group C and D category employees and recoveries are sought to be made either after their retirement or at the fag end of the career. The Tribunal has, thus, correctly appreciated the grievance of the respondents and has granted them reliefs in terms of the impugned order in this petition. We could not be persuaded by learned Sr. Additional Advocate General to take a view contrary to the one taken by the Tribunal.

04. In view of the aforesaid, we find no merit in the instant petition and the same is, accordingly, ***dismissed*** along with all connected application(s).

(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

JAMMU
16.02.2026
Shammi

Whether the order is speaking?
Whether the order is reportable?

Yes/No
Yes/No