

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP(C) No. 2481/2025

Pronounced on:- 11.03.2026

Uploaded on:- 12.03.2026

1. UT of J&K through Commissioner
Secretary to Govt. Jal Shakti (PHE)
Deptt. Civil Secretariat J&K at
Jammu, Civil Secretariat J&K at
Jammu.
2. Chief Engineer, Jal Shakti (PHE)
Deptt. Jammu-180001.
3. Executive Engineer, Jal Shakti (PHE)
Mech. Division Rajouri-185131

.....Appellant(s)/Petitioner(s)

Through: Ms. Monika Kohli, Sr. AAG

vs

Jaswant Kumar age 61 years
S/o Sh. Kali Dass,
R/o Village Lamberi Tehsil Nowshera
District Rajouri-185131
Mobile No. 9906695128

..... Respondent(s)

Through: Mr. Sheikh Najeeb, Advocate

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

ORDER (ORAL)

11.03.2026

Sanjeev Kumar 'J'

1. This petition under Article 226 of the Constitution of India, filed by the Union Territory of J&K & Ors. is directed against an order and judgment dated 18.09.2024 passed by the Central Administrative Tribunal, Jammu Bench at Jammu [**“the Tribunal”**] in O.A. No. 1121 of 2023 titled *“Jaswant Kumar Vs. Union Territory of J&K and*

others” .whereby the Tribunal, has, while allowing the O.A of the respondent., issued the following directions:

- (i) The impugned order of recovery qua the applicants is quashed and set aside and the respondents are directed not to recover any amount from the salary or pensionary benefits of the applicants.
- (ii) The respondents are directed to restore the pay/pension of the applicants which they were getting prior to the issuance of the impugned order.
- (iii) The amount recovered from the salary/pensionary benefits of the applicants, shall be refunded preferably within two months from the date of receipt of a certified copy of this order.
- (iv) In the matters, where applicant stood already retired, the respondents shall pay pension to the applicants on the basis of pay, which they were getting before the issuance of impugned order.

2. The issue raised in this petition by the UT of J&K is squarely covered by a judgment passed in WP (C) No. 2416/2024 c/w WP (C) No. 3034/2024 titled “*Sita Ram and Ors. vs. UT of J&K and Ors.*” and “*Karan Kumar vs. UT of J&K and Ors.*” respectively decided by a Division Bench of this Court on 04.04.2025, which has been reaffirmed by the Division Bench in the case of “Union Territory of J&K and others Vs. Maqbool Sheikh” in WP(C) No. 936/2025 along with other clubbed matters; [2026:JKLHC-JMU:692-DB] decided on 06.03.2026.

- (Sanjeev Kumar)**
Judge

Yes/No

