Sr. No. 49

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CJ Court

Case: **WP (C) No. 2604/2025**

Date of pronouncement: 02.11.2026
Date of uploading : 04 .11.2026

Director, Postal Services Jammu .....Applicant(s)/Petitioner(s)

Through :- Mr. Vishal Sharma, DSGI with
Mr. Karan Sharma, CGSC

v/s

Subash Singh Langeh .....Respondent(s)

Through :- Mr. Sachin Gupta, Advocate with
Ms. Arsha Sharma, Advocate
Mr. Ajaz Ahmed Chowdhary, Advocate

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

ORDER
02.11.2026

1. The counsel for the petitioner, Mr. Vishal Sharma, learned DSGI, submits that principally, the case involves recovery from the respondent for the wrong fixations which cannot be made after retirements. However, he seeks a limited indulgence on account of the earlier judgment passed by this Court in the matter of *"UT of J & K Vs. Maqbool Sheikh",* operative portion of which, is reproduced as under:

> ***"42…..*** *Accordingly, all these writ petitions are disposed of by modifying the impugned order(s) to the extent that the petitioners shall not affect any recovery of the excess amount already paid to the respondents and, if any such amount has been recovered, the same shall be refunded to them within the period prescribed by the learned Tribunal. However, the petitioners shall be at liberty to re-fix the pay/pension of the respondents by excluding the benefit wrongly granted to them."*

2. Learned counsel for the contesting respondent supports the impugned judgment on account of the fact that it is settled law for Class-III and IV employees that upon any kind of re-fixation or wrong fixation, no recoveries can be made and takes the support of the judgment of *"State of Punjab Vs. Rafiq Masih (White Washer)"* and Maqbool Sheikh (supra).

3. This Court is of the view and finds that the law in question is well settled in the concluding paragraph of Maqbool Sheikh (supra). Hence, **the present writ petition is disposed of** while upholding the impugned judgment and directing that no recovery shall be made, however, making it clear that the petitioners shall be at liberty to fix pension of the respondent by excluding the benefit wrongly granted to him.

4. Needless to say that Paragraph 21 (ii) and (iv) of the impugned judgment stands modified accordingly.

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
सत्यमेव जयते

(Rajnesh Oswal)
Judge

(Dr. Pushpendra Singh Bhati)
Chief Justice

JAMMU
02.11.2026
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Whether the order is speaking : Yes/No
Whether the order is reportable : Yes/No