Serial No.07
REGULAR CAUSE LIST

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRINAGAR

WP(C) 2741/2026 CM(7550/2026)
Caveat 2058/2026

UT OF J&K AND ORS. …Petitioner/Appellant(s)

Through: Mr. Shahbaz Sikander Mir, AAG

Vs.

SYED ABID HUSSAIN ...Respondent(s)

Through: Mr. Mohammad Iqbal Dar, Advocate

CORAM:

HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE

ORDER
02.11.2026

1. Impugned in this petition filed by the Union Territory of Jammu and Kashmir and four others is an order and judgment dated 28th July, 2025, passed by the Central Administrative Tribunal, Srinagar Bench ["the Tribunal"] in OA No. 842/2023 titled ***"Syed Abid Hussain Vs. Union Territory of Jammu and Kashmir and others"***, whereby the Tribunal while allowing the OA filed by the respondent, directed the petitioners not to recover any alleged excess amount paid to the respondent during his service carrer in terms of SRO 59 of 1990. The Tribunal has, however, directed the petitioners to forward the service record of the respondent to the Principal Accountant General for verification and determination as to whether the respondent was entitled to receive the benefits under SRO 59 of 1990 or not.

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2. The impugned order has been challenged by the petitioners primarily on the ground that the Tribunal has not considered that what was paid to the respondent during his service carrer was due to inadvertent error or mistake and, therefore, the petitioners cannot be restrained from correcting the said mistake for future.

3. Having heard learned counsel for the parties and perused the material on record, we are of the considered opinion that the judgement impugned passed by the Tribunal is perfectly balanced and in complete consonance with law. The respondent was admittedly a Class-III employee and was paid the benefits of SRO 59 of 1990 over a period of time and, therefore, it would be totally harsh and inequitable to recover the said amount, paid over a period of time, from his post retiral benefits. This position has already been set at rest by the Hon'ble Supreme Court in case of **"Thomas Daniel Vs. State of Kerala and Ors." 2022 Live Law (SC) 438**. And, so far as correction of mistake in respect of future emoluments is concerned, the Tribunal has very aptly directed the petitioners to refer the matter to the Principal Accountant General for determination.

4. In view of the aforesaid, we do not find any illegality or infirmity in the judgement impugned. The petition is, therefore, found devoid of any merit, same is accordingly **dismissed**. We, however, clarify that the payment of future

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benefits under SRO 59 of 1990 to the respondent shall depend upon the decision that may be taken by the Principal Accountant General.

(Mohd Yousuf Wani) **(Sanjeev Kumar)**
Judge **Judge**

SRINAGAR:
02.11.2026
"ARIF"

HIGH COURT
JAMMU & KASHMIR AND LADAKH

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