

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) 818/2026
CM(2018/2026)

Union Territory of J&K and Ors.

...Petitioner(s)

Through: Mr. Mohd Younis Hafiz, Assisting Counsel vice
Mr. Jahingeer Ahmad Dar, GA

Vs.

Ghulam Rasool Mir & Ors.

...Respondent(s)

Through: Ms. Nighat Amin, Advocate vice
Mr. Bhat Fayaz, Advocate for R-1.
Mr. Bikramdeep Singh, Dy. AG for R-2 and 3.

CORAM:

HON'BLE THE CHIEF JUSTICE (ACTING)
HON'BLE MR. JUSTICE MOHD YOUSUF WANI, JUDGE

ORDER

06.07.2026

01. Impugned in this petition filed under Article 226 of the Constitution of India is an order and judgment dated 12th February, 2025, passed by the Central Administrative Tribunal, Srinagar Bench ["the Tribunal"] in OA No. 443/2024, whereby the Tribunal has allowed the OA of the respondent and directed the petitioners herein not to effect recovery of any excess amount paid to the respondent during the service period that too after his superannuation.

02. The petitioners have further been directed to release the retiral benefits without deducting the benefits extended to the respondent No. 1 under SRO 59 of 1990.

03. The impugned judgment is assailed by the petitioners primarily on the ground that the Tribunal has gone wrong in providing that the respondent is entitled to retiral benefits without deducting the benefits extended to him under SRO 59 of 1990.

04. Learned counsel appearing for the parties fairly submitted that the controversy raised in this petition stands squarely covered by a number of judgments of this Court, including the Division Bench judgment passed by this Court in LPA No. 119/2022 titled *“Union Territory of J&K and Ors. Vs. Deshbir Singh and Anr.”* as well as the judgment dated 4th April, 2025 passed in WP(C) No. 2416/2024 titled *“Sita Ram and Ors. Vs. Union Territory of J&K and Ors.”*.

05. In view of the aforesaid fair stand taken by the learned counsel for the parties and the legal position on the point having already been settled by this Court, the present petition is allowed partially and the judgment impugned insofar as it directs the petitioners herein to release retiral benefits to the respondent No. 1 herein without deducting the benefits extended under SRO 59 of 1990 is hereby set aside. However, it is made clear that there shall be no recovery of the amount already paid to the respondent No. 1 herein.

06. Needless to say, that the respondent No. 1 shall be entitled to withheld post retiral benefits as per law.

07. The petition is accordingly **disposed of**.

(Mohd Yousuf Wani)
Judge

(Sanjeev Kumar)
Chief Justice (Acting)

SRINAGAR:

06.07.2026

“Mir Arif”