Sr. No. 89

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP (C) No. 3203/2026

Pronounced on : 07.10.2026
Uploaded on : 08.10.2026

UT of J & K & Ors. .....Applicant(s)

Through :- Ms. Priyanka Bhat, Assisting counsel to
Mrs. Monika Kohli, Sr. AAG

v/s

Maneer Hussain & Ors. .....Respondent(s)

Through :- Mr. Sheikh Najeeb, Advocate

CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE M.A. CHOWDHARY, JUDGE

ORDER

1. Impugned in this writ petition, filed by the UT of J & K and its functionaries, is an order and judgment dated 12.05.2026, passed by the Central Administrative Tribunal, Jammu Bench, Jammu **["the Tribunal"]**, in OA No. 61/794/2025 titled *"Maneer Hussain & Ors. Vs. The UT of J & K & Ors.",* whereby, the Tribunal has disposed of the OA filed by the respondents in light of the judgment passed by this Court in WP (C) No. 936/2025 along with connected matters, titled *"UT of J & K & Ors. Vs. Maqbook Sheikh & Ors.".*

2. In terms of the judgment impugned, the petitioners herein have been restrained from recovering the amount wrongly paid to the respondents with a further direction to refund such amount, if already recovered. The petitioners, however, have been allowed to correct their mistake and re-fix the pay/pension by excluding the benefit wrongly extended.

3. Impugned judgment is assailed on the ground that the Tribunal has not appreciated that the respondents were the beneficiary of a mistake committed and, therefore, legally and morally bound to re-pay the said amount.

4. Having heard learned counsel for the parties and perused the material available on record, we are of the considered opinion that the judgment impugned, passed by the Tribunal, is in line with the consistent view taken by this Court in case of Class-C & D employees. The respondents have drawn the excess salary, may be, on account of the mistake committed by the petitioners over a period of time and, therefore, they cannot be asked to refund the same after their superannuation.

5. In view of the settled legal position, we do not wish to interfere with the order impugned passed by the Tribunal.

6. ***This petition is found to be devoid of any merit and the same is accordingly dismissed.***

HIGH COURT JAMMU & KASHMIR

(M.A. Chowdhary)
Judge

(Sanjeev Kumar)
Judge

JAMMU
07.10.2026
Manan

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