

## Central Administrative Tribunal Jammu Bench, Jammu



T.A. No.1330/2021  
(SWP No.845/2009)

Wednesday, this the 3<sup>rd</sup> day of February, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman  
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Gul Mohammad Bhat, aged 59 years,  
S/o Sonaullah Bhat,  
R/o Zangalbora District Anantnag.

..Applicant

(Ms. Humaira Shafi for Mr. Jahangir Iqbal Ganai, Advocate)

### VERSUS

1. State of J&K through,  
Commissioner/Secretary of Govt.,  
Consumer Affairs and Public Distribution Department,  
Civil Sectt. Srinagar/Jammu.
2. Director,  
Consumer Affairs and Public Distribution Department,  
Kashmir, Srinagar.
3. Accountant General, (A&E),  
J&K, Srinagar.
4. Joint Director (Administration),  
Consumer Affairs and Public Distribution Department,  
Kashmir, Srinagar.
5. Chief Accounts officer,  
Consumer Affairs and Public Distribution Department,  
Kashmir Srinagar.

..Respondents

(Mr. Sudesh Magotra, Deputy Advocate General)

## ORDER (ORAL)

### Mr. Justice L. Narasimha Reddy:

The applicant is working as Supervisor in the establishment of Chief Accounts Officer, Jammu & Kashmir. During the years 2006-07 and 2007-08, he worked at a place called Vailoo. The Chief Accounts Officer issued a notice dated 25.10.2008 stating that during the reconciliation of Vailoo, huge amount of variation was pointed for the years 2006-07 and 2007-08. The variations were later on treated as shortages/embezzlement. The applicant and other two employees were required to explain as to why the said amount cannot be debited against them. The applicant filed SWP No. 845/2009 before the Hon'ble High Court of Jammu and Kashmir, challenging the notice dated 25.10.2008. The applicant has raised several contentions.

2. In their reply, the respondents stated that what is issued to the applicant is only a show cause notice and that becomes necessary in the context of working out the pensionary benefits of the applicant after retirement. The Hon'ble High Court took note of this development and passed an order dated 05.10.2019, taking the view that there exists no basis for interference. However, since the applicant was not represented, a notice was directed to be issued. In the meanwhile, the SWP was transferred to the Tribunal in view of reorganization of the State of Jammu and Kashmir and renumbered as TA No. 1330/2021.



3. Today, we heard Ms. Humaira Shafi for Mr. Jahangir Iqbal Ganai, learned counsel for applicant and Mr. Sudesh Magotra, learned Dy. Advocate General.



4. The impugned notice referred to the factum of variations in the reconciliation for the years 2006-07 and 2007-08. The applicant and two other employees, being Assistant Director and Chief Inspector, were required to show cause as to why the unreconciled amount be not debited against them. The applicant could have certainly offered his explanation or remarks to the show cause notice. Once there did not exist any final order, fixing the liability, the SWP was almost premature.

5. We, therefore, dismiss the TA, leaving it open to the applicant to offer his explanation to the show cause notice. It is needless to mention that in case the issue is still pending, the respondents shall take explanation, which the applicant may offer, and pass appropriate orders thereon. There shall be no orders as to costs.

**( Mohd. Jamshed )**  
Member (A)

**( Justice L. Narasimha Reddy )**  
Chairman

**February 3, 2021**  
/sunil/jyoti/vb/ankit/