

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing



O.A./62/00277/2021

This the **22nd** day of **February**, 2021

HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J)
HON'BLE MR. ANAND MATHUR, MEMBER (A)

Mohd. Tufail Bhat, aged about 35 years, S/o Ab. Ahad Bhat, R/o: Krusan, (Lolab)
Tehsil: Lalpora, District: Kupwara, Pin Code: 193223.

.....Applicants

(Advocate: Mr. Mir Majid Bashir)

Versus

1. Union Territory of Jammu and K through Commissioner Secretary to Government, Department of Education, Civil Secretariat, Jammu Pin Code 180001.
2. Director, School Education, Kashmir, Srinagar, Pin Code 190001.
3. Chief Education Officer, Kupwara Pin Code: 193222..
4. Zonal Education Officer, Sogam (Lolab) District: Kupwara Pin Code: 193223.

.....Respondents

(Advocate:- Mr. Sudesh Magotra, D.A.G.)

ORDER [O R A L]

Hon'ble Mr. Anand Mathur, Member (A):

Through this O.A., the applicant is seeking direction to the respondents for periodical review of order of suspension and to reinstate the applicant as provided under Government instructions No. 2, Rule 31

of the Jammu and Kashmir Civil Service (Classification, Control and Appeal) Rules, 1956 and the guidelines of Hon'ble Supreme Court of India in '**Ajay Kumar Choudhary v. Union of India through its Secretary and another, reported in AIR 2015 SC 2389**'. At the outset, learned counsel for the applicant submits that the applicants would be satisfied if aforesaid direction is given to the respondents to decide the case of applicant within a stipulated period of time.

2. Looking to the arguments of learned counsel for the applicant, the O.A. is disposed of with a direction to the respondents to decide the case of applicant by passing a reasoned and speaking order in accordance with rules and with intimation to the applicant within a period of three weeks from today. While deciding the case of the applicant, this O.A. will be treated as representation and the respondents will also consider the Government instructions No. 2, Rule 31 of the Jammu and Kashmir Civil Service (Classification, Control and Appeal) Rules, 1956 and the guidelines framed by Hon'ble Supreme Court of India in '**Ajay Kumar Choudhary v. Union of India through its Secretary and another, reported in AIR 2015 SC 2389**'. After deciding the case of applicant if, the applicant is found eligible, the respondents will reinstate the applicant.

3. It is made clear that we have not expressed any opinion on merits of the case while disposing of the present OA.

4. No order as to costs.

(ANAND MATHUR)
MEMBER (A)

(RAKESH SAGAR JAIN)
MEMBER (J)

/M.M/