

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JAMMU BENCH, JAMMU**

Hearing through video conferencing

**O.A. No. 62/272/2021**

This the 19th day of February, 2021

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

Mohd Rafi Age 39 years, S/o Mohd Munwar Butt, [Group-D], R/o Village Pochhal, Tehsil and District Kishtwar-182204.

.....Applicant

(Advocate:- Mr. Sheikh Najeeb)

**Versus**

1. The Union Territory of J&K, through its Commissioner/Secretary, Public Works (R&B) Department, Civil Secretariat, Jammu-180001.
2. The Chief Engineer, Public Works (R&B) Department, Jammu-180001.
3. The Superintending Engineer, Public Works (R&B) Department, Circle Doda-182202.
4. The Executive Engineer, Public Works (R&B) Department, Division Kishtwar-182204.

.....Respondents

(Advocate: Mr. Rajesh Thappa, Deputy Advocate General)

**ORDER  
ORAL**

**(Delivered by Hon'ble Mr. Anand Mathur, Member-A)**

Learned counsel for the applicant submits that the applicant was placed under suspension due to investigation in case FIR No. 67/2019 under Section 302/307/392/109 RPC read with Sections 7/27 I.A. Act, Sections 13/17/20/23 of Unlawful Activities (Prevention) Act, 1967 registered at Police Station Kishtwar. Thereafter, the investigation in said FIR was taken over by the National Investigating Agency. He further submits that there is no lawful justification to prolong the suspension of the applicant in view of the fact that he is not involved in any criminal case and no charge sheet has been presented against him in any court for that matter and Rule 31 of J&K Civil Services (Classification, Control and Appeal) Rules, 1956 clearly provides that the cases with regard to suspension of Government Servants should be reviewed by the competent



authority periodically to see that steps could be taken to expedite the progress of the court trial/departmental proceedings so as to reduce the period of suspension to barest minimum.



2. Learned counsel for the applicant further submits that the applicant had also served a legal notice/representation dated 02.09.2020 to the respondents with a request to reinstate him in service, but the same is pending disposal before the respondents. He states that the applicant would be satisfied, if a direction is issued to the respondents to take a decision on the representation dated 02.09.2020 preferred by the applicant by a reasoned and speaking order within a stipulated time frame.

3. We have heard Mr. Sheikh Najeeb, learned counsel for the applicant and Mr. Rajesh Thappa, learned Deputy Advocate General for the respondents.

4. Looking to the limited prayer made by the learned counsel for the applicant, we dispose of the O.A. with direction to Respondent No. 3 i.e., The Superintending Engineer, Public Works (R&B) Department, Circle Doda to take a decision on the legal notice/representation dated 02.09.2020 (Annexure A-5 to the O.A.) by passing a reasoned and speaking order on the same and communicate the decision so taken to the applicant within a period of three weeks from the date of receipt of certified copy of this order.

5. It is made clear that we have not entered into the merits of the case.

6. There shall be no order as to costs.

**(ANAND MATHUR)**  
**MEMBER (A)**  
*Arun*

**(RAKESH SAGAR JAIN)**  
**MEMBER (J)**