



Central Administrative Tribunal Jammu Bench, Jammu

T.A. No.3501/2020
(S.W.P. No.1733/2014)

Tuesday, this the 8th day of December, 2020

(Through Video Conferencing)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A. K. Bishnoi, Member (A)

1. Mtr. Fahmeeda Akhter, d/o Abdul Hamid Mir, R/o D.H. Pora, Kulgam (Age 42 years). Teacher, Middle School Shuch, H.C. Gam

...Applicant

(None for applicant)

Versus

1. State of Jammu and Kashmir through Commissioner/Secretary to Govt. Education Department, Civil Secretariat, Jammu/Srinagar.
2. Hon'ble Minister Social Welfare, ARI Trainings, J&K Jammu/Srinagar (Ms. Sakina Itoo)
3. Director, School Education Kashmir, Srinagar.
4. Chief Education Officer, Kulgam
5. ZEO, D.H. Pora
6. S.S.P. Kulgam

...Respondents

(Mr. Sudesh Magotra, Deputy Advocate General)

O R D E R (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicant was working as Teacher in the Department of Education and was posted in Kulgam District. Through an order dated 23.07.2014, the Chief Education Officer (Kulgam), placed the applicant under suspension, on the ground that he did not produce the relevant certificates for verification, which were relied upon for absorption into the Department. Challenging the same, the applicant filed S.W.P. No.1733/2014 before the Hon'ble High Court of Jammu & Kashmir at Jammu. The High Court was pleased to pass an interim order dated 13.08.2014.

2. In view of re-organization of the State of Jammu & Kashmir, this S.W.P. has since been transferred to this Tribunal and registered as T.A. No.3501/2020.

3. Today, there is no appearance on behalf of the applicant. We heard Mr. Sudesh Magotra, Deputy Advocate General, for the Respondents, through video conferencing.

4. The S.W.P. was filed way back in the year 2014 challenging the suspension. The suspension was ordered pending inquiry. It is not known as to whether any charge memo was issued to the applicant or further proceedings have taken place. In case no charge memo is issued by now, the



suspension cannot be continued. On the other hand, if the charge memo is issued, the inquiry can go on, and the mere fact that the applicant continues to remain under suspension, does not come in the way of inquiry. Either way, the suspension cannot be continued at this stage.

5. The T.A. is accordingly allowed and the impugned order of suspension is set aside, reserving the rights of the respondents to take further action in accordance with rules. There shall be no order as to costs.

(A K Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

December 8, 2020

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