

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

TA No.62/5425/2020

(SWP No. 2461 of 2012)

This the 25th day of November, 2020



**HON'BLE MR. JUSTICE L. NARASIMHA REDDY, CHAIRMAN
HON'BLE MR. A.K. BISHNOI, MEMBER (A)**

1. Atiqa Bano D/o Ghulam Hassan Payeer R/o Cherkoot, Lolab, Kupwara, Age 47 years.
2. Azad Hussain Bhat, S/o Mukhtar Ahmad Bhat R/o Badibera, Lolab Kupwara, Age 37 years.

.....Applicants

(Advocate: Mr. Manzoor Ahmad Ganai)

Versus

1. State of Jammu and Kashmir through Commissioner/Secretary to Govt. Rural Development Department, Civil Secretariat, Jammu/Srinagar.
2. Director, Rural Development Department Kashmir.
3. Project officer, Wages Employment (ACD), Kupwara.
4. Block Development Officer, Kralapora.
5. Block Development Officer, Sogam.

.....Respondents

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

O R D E R
[O R A L]

Justice L. Narasimha Reddy, Chairman:

The applicants were working as Safaiwalas in the Directorate of Rural Development, Jammu and Kashmir. They were placed under suspension on 26.04.2008. Three years thereafter, the Director, Rural Development Department, Jammu and Kashmir, passed order on 01.10.2011, reinstating the applicants and constituting a Committee to enquire into the allegations and to serve charge sheet to the applicants.

2. The applicants filed SWP No. 2461 of 2012 before the Hon'ble High Court of Jammu and Kashmir challenging the order dated 01.10.2011, and for a direction to the respondents to pay arrears of salary.

3. The Writ Petition has since been transferred to this Tribunal on account of reorganization of State of Jammu and Kashmir and renumbered as T.A. No. 62/5425/2020.

4. Today, we heard Mr. Manzoor Ahmad Ganai, learned counsel for the applicants and Mr. Rajesh Thappa, learned counsel for the respondents.

5. The record discloses that the respondents have not filed any reply so far. The learned counsel for the Applicants submits that the Committee has not served any charge sheet upon the applicants.

6. Be that as it may, the direction issued in the impugned order has virtually outlived its purpose because the proceedings have not been initiated. If, on the other hand, any charge sheet is issued, the proceedings in that behalf need to be given a quietus. Secondly, if the applicants are not paid salaries for the period during which they worked or the subsistence allowance, the same need to be paid to them.

7. We, therefore dispose of this TA directing that –

- (a) If no charge sheet is issued to the applicants as contemplated in the impugned order, no further steps shall be taken. The proceedings in that behalf shall lapse;
- (b) If, on the other hand, any charge sheet was issued, the proceedings in relation to that shall be concluded within three months; and
- (c) The arrears of salary or subsistence allowance shall be cleared within the period of three months.

There shall be no order as to costs.

**(A.K. BISHNOI)
MEMBER (A)**

**(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN**

Dsn