

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

TA No.62/5517/2020 (SWP.No.1986/2016)



This the 25th day of November, 2020

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

Mohammad Amin Pandith S/o Ghulam Rasool Pandith R/o
Wanpora-Qaimoh, Kulgam (age 44 years).

.....Applicant

(Advocate: Ms. Nida Nazir-**None present**)

Versus

1. State of J&K through Commissioner/Secretary to Government, Home Department, Civil Secretariat, Srinagar/Jammu.
2. Director-General, Fire & Emergency Service, J&K, Jammu/Srinagar.
3. Joint Director, Fire & Emergency Service, Office at Gawkadal, Srinagar.

.....**Respondents**

(Advocate:- Mr. Sudesh Magotra, Deputy Advocate General)

O R D E R
[O R A L]

Mr. Justice L. Narasimha Reddy, Chairman:

The applicant was employed as Fireman in the Fire & Emergency Services Department, Jammu and Kashmir. He was placed under suspension on account of involvement in a criminal case. It is stated that the applicant was convicted by the Trial Court, and thereafter he filed Criminal Appeal No. 02/2016 before the Hon'ble High Court of Jammu & Kashmir, and that bail was granted on 05.10.2016.

2. The grievance of the applicant is that the respondents are not paying subsistence allowance for about 11 months. Feeling aggrieved, he filed SWP No. 1986 of 2016 before the Hon'ble High Court of Jammu and Kashmir, for revocation of the suspension order under Rule 31 of the J&K Civil Service (Classification & Appeal) Rules of 1956, or in the alternative, to direct the respondents to pay subsistence allowance from the year 2016 onwards.

3. On 29.12.2016, the Hon'ble High Court directed the respondents to consider the case of the applicant for payment of subsistence allowance from February 2016 onwards.

4. The Writ Petition has since been transferred to this Tribunal in view of reorganization of State of Jammu and Kashmir and renumbered as T.A. no. 62/5517/2020.

5. There is no representation on behalf of the applicant. We heard Mr. Sudesh Magotra, learned Deputy Advocate General, for the Respondents.

6. The applicant was placed under suspension way back in February 2016 on account of involvement in the criminal case. The criminal case ended in conviction of the applicant and an appeal was preferred. It is not known as to whether the respondents have passed any final order.

7. In view of the conviction by the Criminal Court, the Hon'ble High Court directed that the representation of the applicant for payment of subsistence allowance be considered. We are not posted with the state of affairs as on today.

8. We, therefore, dispose of this TA directing that in case there remain any arrears of subsistence allowance, they shall be cleared by the respondents within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs.

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

Dsn

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