

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing



TA No.62/5586/2020

(SWP No. 947 of 2015)

This the 25th day of November, 2020

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

Hamidullah Dar S/o Abdul Razak Dar R/o Bogund, Kulgam Age
49 years.

.....Applicant

(Advocate: Mr. I.A. Parray-**None**)

Versus

1. State of J&K through Commissioner/Secretary to Government,
Secretary to Government, Animal Husbandry Department, Civil
Secretariat, Srinagar.
2. Director, Animal Husbandry Department, Kashmir, Srinagar.
3. Chief Animal Husbandry Officer, Kulgam.
4. Block Veterinary Officer, Quimoh, Kulgam.

.....Respondents

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

**ORDER
[O R A L]**

Mr. Justice L. Narasimha Reddy, Chairman:

The applicant was working as Statistical Officer in the Animal Husbandry Department, Jammu and Kashmir, and was posted in Kulgam District. On account of having been arrested in connection with a criminal case, the Chief Animal Husbandry Officer, Kulgam, passed an order dated 28.07.2010, placing the applicant under suspension. Challenging the order of suspension, the applicant filed SWP No. 947 of 2015 before the Hon'ble High Court of Jammu and Kashmir.

2. The respondents have filed reply stating that the suspension order was warranted on account of arrest of the applicant.

3. The Writ Petition has since been transferred to this Tribunal in view of reorganization of the State of Jammu & Kashmir and renumbered as renumbered as T.A. no. 62/5586/2020.

4. Today, there is no representation by the applicant. We heard Mr. Sudesh Magotra, learned Deputy Advocate General, for the Respondents.

5. The applicant was placed under suspension way back in the year 2010. More than a decade has elapsed. It is not known as to whether the applicant has been reinstated into service or whether any disciplinary proceedings were initiated. Much would depend upon the

stage of the criminal case. If the applicant is acquitted in the criminal case, he needs to be reinstated forthwith. If, on the other hand, he is convicted, the competent authority needs to pass a final order in this behalf, in terms of relevant service rules.

6. We, therefore, dispose of the TA by directing that –

(a) In case, the criminal case is pending or the applicant is acquitted, he shall be reinstated into service, if not already done; and

(b) If, on the other hand, the applicant is convicted in the criminal case, necessary steps in accordance with law shall be taken, if not already taken.

There shall be no order as to costs.

(A.K. BISHNOI)
MEMBER (A)

Dsn

(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN