



**Central Administrative Tribunal
Jammu Bench, Jammu**

Hearing through video conferencing

O.A. No.61/495/2020

Wednesday, this the 19th day of August, 2020

Hon'ble Dr. Bhagwan Sahai, Member (A)
Hon'ble Mr. Rakesh Sagar Jain, Member (J)

Neeru Sharma, Age 39 years,
D/o Sh. Ashok Sharma,
R/o C/o Harbans Lal Sharma,
VPO Jassore Tehsil RS Pura, Jammu

- Applicant

(Mr. Abhinav Sharma, Advocate)

Versus

1. UT of Jammu and Kashmir
Through Commissioner/Secretary,
Rural Development Department,
Civil Secretariat, Srinagar
2. Director,
Rural Development Department, Jammu
3. Assistant Commissioner Development, Jammu
4. Block Development Officer,
Satwari
5. Block Development Officer,
Suchetgarh

- Respondents

(Mr. Amit Gupta, AAG for respondents)

O R D E R (ORAL)**Dr. Bhagwan Sahai, Member (A):**

Neeru Sharma, daughter of Sh. Ashok Sharma, resident of VPO Jassore Tehsil RS Pura, Jammu, has filed this OA on 18.08.2020. She seeks direction to respondents 2 (Director, Rural Development Department, Jammu) and 3 (Assistant Commissioner Development, Jammu) to cancel her attachment from Block Suchetgarh and re-post her to original place of engagement/appointment i.e., Block Satwari and to act upon the communication from respondent no.4, dated 24.10.2018, requesting for her recall to the place of her initial engagement, and to release her salary from August, 2018.

2. We have heard today the applicant's counsel, Mr. Abhinav Sharma and Mr. Amit Gupta, AAG on behalf of the respondents.

3. In the OA and during arguments of her counsel, it has been stated that –

(i) by order dated 08.03.2008 of respondent no.3, she was engaged on contractual basis as Computer Assistant/Operator under NREGA Scheme in Block Satwari;

(ii) when she was working on 19.09.2019 under PMAY launched on 25.06.2015 for providing affordable housing to urban poor, an

amount of Rs.50,000/- was wrongly credited to her account in J&K Bank Branch SKUAST Chatha;

(iii) then an inquiry was ordered against the applicant and respondent no.3 by order dated 17.10.2017, attached her with office of BDO, Suchetgarh for further duties;

(iv) the inquiry officer recommended that Rs.2.50 lakhs be recovered from various erring officials and on 29.11.2017, BDO Satwari was directed to recover the amount;

(v) she has claimed that during the inquiry, she has been exonerated from the charges and was directed to deposit Rs.50,000/- to the State Nodal Account which she did on 15.01.2018. However, no evidence has been brought on record to support this claim;

(vii) in the communication dated 24.10.2018, BDO Satwari requested the Assistant Commissioner Development, Jammu, to recall the applicant from Block Suchetgarh to Block Satwari; and

(viii) thereafter she has also made representation to the respondents 2 and 3 to post her back to Block Satwari and to release her salary. However, her representation has not yet been decided. Therefore this OA.

4. After arguing the case for some time, the applicant's counsel submitted that this OA can be disposed of at this stage, directing the respondents to consider the request of BDO, Satwari dated 24.10.2018 to the Assistant Commissioner Development, Jammu, to

post the applicant back with Block Satwari and to release her salary as per her representation dated 07.03.2020. The respondents' counsel has no objection to such disposal of the OA.

5. In view of the above submission, this OA is disposed of at admission stage itself with direction to the respondents to consider carefully the communication from BDO, Satwari dated 24.10.2018 and the representation of the applicant dated 07.03.2020 submitted to the Assistant Development Commissioner, Jammu, for release of her salary as well as other departmental proceedings, if any, pending against her strictly as per relevant provisions of applicable service rules and government instructions and thereafter, to communicate the decision/reply to the applicant with an appropriate speaking order within two months from the date of receipt of a copy of this order. It should be noted that we have not expressed any opinion on merits of the applicant's claims. With this, the OA stands disposed of. No costs.

(Rakesh Sagar Jain)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

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