

**Central Administrative Tribunal  
Jammu Bench, Jammu**

O.A. No.3/2021

Tuesday, this the 2<sup>nd</sup> day of February, 2021

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman  
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Firdous Ahmed Wani, Aged 59 years, S/o Late Ghulam Mohammad Wani, R/o Mohalla Passri, Bhaderwah, District Doda. 182202 (Group D).

..Applicant

(Ms. Monika Kohli, Advocate)

**Versus**

1. Union Territory of J&K, Through its Commissioner/Secretary School Education Department, Civil Secretariat, Jammu/Srinagar. 180001
2. Director, School Education, Jammu. 180001.
3. Chief Education Officer, Doda. 182202.

..Respondents

(Mr. Sudesh Magotra, Deputy Advocate General)

**ORDER (ORAL)**

**Mr. Justice L. Narasimha Reddy:**

The applicant is working as Zonal Education Officer (ZEO) in District Doda. Through an order dated 26.12.2020, the Director, School Education, Jammu, placed the applicant under suspension. It was on the basis of circulation of a video clip, and pending enquiry into the conduct of the applicant. A Committee comprising of the Joint Director and Chief Education Officer,



Udhampur was also constituted to look into the matter. The applicant filed this O.A. challenging the order of suspension.



2. He contends that ever since he took charge as ZEO, he initiated steps against various erring teachers and they, in turn, became instrumental in creating the so-called video. He states that as soon as he came to know about the said video, he made a complaint to the Police to inquire into the matter. He further contends that he has an unblemished service record throughout and at a time when he was about to retire in March, 2021, the present episode was brought into existence.

3. The respondents filed a counter affidavit. According to them, the circulation of the video has brought down the reputation of the Department and immediately the applicant was placed under suspension. It is also stated that a Committee, which conducted the preliminary investigation, was of the view that the authenticity of the video clip needs to be ascertained and it was forwarded to Forensic Science Laboratory (FSL). Various pleas raised by the applicants are denied.

3. Today, we heard Ms. Monika Kohli, learned counsel for applicant and Mr. Sudesh Magotra, learned Deputy Advocate General, in detail.

4. Normally, the Tribunal would be at loath to interfere with the order or suspension pending enquiry. However, where the

very basis for placing the applicant under suspension appears to be shaky, the Tribunal cannot refuse to act.



5. The plea of the applicant that he has an unblemished career spread over to past several decades and that he is scheduled to retire in March, 2021 is matter of record. In the impugned order, the basis for placing the applicant under suspension is the circulation of video clip. Neither the brief or broad content thereof, nor its impact upon the discharge of official duties by the applicant, was mentioned. On his part, the applicant stated that it was morphed and doctored video clip and as soon as he got the news about it, he submitted a complaint to the Police. It is not as if the appointing authority got the authenticity of the video verified, at least as a primary measure. Straightway, the order of suspension was passed.

6. In these days of proliferation of cyber crimes, it is not at all safe to rely upon whatever is noticed in the web or net, particularly when it is objectionable and made with reference to a person holding a high position. A correct step was taken by the Director by constituting a Committee and that, in turn, has taken a view that the authenticity of the video clip needs to be verified. It is only when the FSL certifies the authenticity and the contents of the video clip are found to be reflecting upon the functioning of the applicant, either proximately or remotely, in the discharge of his duties that the steps for suspending him pending inquiry

could have been taken. As of now, the entire issue is in the state of uncertainty. It is not at all safe to act upon such information or state of affairs. The respondents would certainly have the opportunity to take appropriate action once the authenticity of alleged video clip is known.



7. We, therefore, dispose of the O.A.:

- a) setting aside the impugned order of suspension; and
- b) leaving it open to the competent authority to take appropriate steps, once the genuineness of the video clip, which is attributed to the applicant, is known from the FSL.

There shall be no order as to costs.

**( Mohd. Jamshed )**  
**Member (A)**

**( Justice L. Narasimha Reddy )**  
**Chairman**

**February 2, 2021**  
**/sunil/ankit**