

Central Administrative Tribunal Jammu Bench, Jammu

O.A.No.921 of 2020
(Diary No.4257/2020)

Wednesday, this the 14th day of October, 2020

(Through Video Conferencing)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A.K.Bishnoi, Member (A)

Om Raj, age 32 years, S/o. Panchi Ram,
R/o. Kumaite, Rajgarh, Tehsil Rajgarh,
District Ramban, Mobile – 6006480120,
Email – Omraj7252@gmail.com,
(Teacher in Govt. High School Soomber, Ramban). **Applicant**

(By Advocate : Mr. Pawan K. Kundal)

V e r s u s

1. Union Territory of Jammu and Kashmir,
Through its Administrative Secretary,
School Education Department, Civil Secretariat,
Jammu.
2. Director School Education, Muthi, Jammu.
3. Chief Education Officer, Ramban.
4. Vinod Kumar Koul, Chief Education Officer,
Ramban. **Respondents**

(By Advocate : Mr. Amit Gupta, Addl. A.G.)

O R D E R (ORAL)

Justice L. Narasimha Reddy:

The applicant is working as Teacher in the Government High School Soomber, Ramban. He was placed under suspension through an order dated 24.06.2020. The grounds mentioned in the order of suspension is that he posted Blasphemous contents on social media. This OA is filed challenging the order of suspension dated 24.06.2020.

2. The applicant contends that a group, in the name of “Jas Si” posted message against SC community in the State of Jammu & Kashmir to which he belongs, and when virtually they were cornered, they created a website in the name of the applicant and posted the so called Blasphemous message. He submits that the order of suspension was passed with ulterior motive and with a view to harass him. Various other contentions are also urged.

3. We heard this OA at some length on 07.10.2020. We directed the learned Additional Advocate General Mr.Amit Gupta to ascertain about the status of the inquiry against the applicant. Today, it is reported that a preliminary inquiry was conducted and a report was also received recently.

4. We heard Mr.Pawan K Kundal, learned counsel for the Applicant and Mr.Amit Gupta, learned Additional Advocate General, for the Respondents.

5. The applicant was placed under suspension pending further action. The allegation against him is that he posted Blasphemous contents on social media. This is not a case in which the order of suspension is passed by an authority not vested with power. The question as to whether there exists any justification to continue the applicant under suspension, would depend upon the outcome of the preliminary inquiry. In case, the inquiry reveals that the applicant has nothing to do with the Blasphemous contents, he can be reinstated straightaway. If, on the other hand, it emerges that he is the author of the contents, disciplinary action needs to be taken in accordance with law. The decision in this behalf needs to be taken without further loss to time.

6. The applicant contends that he has not been paid subsistence allowance ever since he was placed under suspension. Whatever be the circumstances under which the order of suspension is passed, the respondents cannot deny the subsistence allowance to the applicant.

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

(a) The respondents shall take a decision on the basis of the preliminary report whether or not to continue the suspension of the applicant within 10 days from the date of receipt of a copy of this order;

(b) The subsistence allowance, if not paid to the applicant from the date of suspension, shall be released within one week;

(c) If the applicant faces any circumstances adverse to him, it shall be open to him to pursue the remedies in accordance with law.

There shall be no orders as to costs.

(A.K.Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

October 14, 2020

dsn