

**Central Administrative Tribunal
Jammu Bench, Jammu**

T.A. No.61/6739/2020
(S.W.P. No.1024/2008)

Wednesday, this the 13th day of January, 2021

(Through Video Conferencing)

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

Yudhvir Singh Salathia, s/o Shri Thakur Singh
Salathia, R/o Village Gurah Salathia,
Tehsil & District Samba.

.Applicant

(Mr. Farooq Ahmad Natnoo, Senior Advocate)

Versus

1. State of Jammu and Kashmir,
Through Chief Secretary, J&K Government,
Civil Secretariat,
Srinagar/Jammu.
 2. Commissioner/Secretary to Government,
Health & Medical Education Department,
J&K Government, Civil Secretariat,
Srinagar/Jammu.
 3. Principal, Govt. Medical College, Jammu.
 4. Administration Associate Hospital, Jammu.
 5. Medical Superintendent, Govt. Medical College,
Jammu.
- ..Respondents

(Mr. Sudesh Magotra, Deputy Advocate General)

O R D E R (O R A L)**Justice L. Narasimha Reddy:**

The applicant was working as Senior Assistant in the Government Medical College, Jammu, in 1999. A trap was laid against him by the Anti-Corruption Bureau (ACB), and he was found accepting certain amount from a person, for sanctioning his monthly salary. He was also arrested and a criminal case was registered against him on 13.08.1999. On the same day, he was placed under suspension. In the Criminal Court, the applicant was acquitted through judgment dated 01.03.2007. In view of this development, he filed a representation to the respondents with a prayer to treat the period of suspension as on duty. The respondents passed an order dated 01.04.2008, rejecting the request of the applicant on the ground that the acquittal in the criminal case was not honourable. The applicant filed SWP.No.1024/2008, challenging the order dated 01.04.2008.

2. The Writ Petition has since been transferred to this Tribunal in view of re-organization of the State of Jammu & Kashmir, and renumbered as T.A. No.6739/2020.

3. There is no representation for the applicant. We perused the record and heard Mr.Sudesh Magotra, learned Deputy Advocate General, for the Respondents.
4. The plea of the applicant was about the manner in which the period of suspension must be treated. He wanted it to be treated as on duty in view of the acquittal in a criminal case. The respondents, however, stated that the acquittal was not honourable and his request cannot be accepted to.
5. We are a bit handicapped on account of non-availability of relevant service rules. However, from the record, it is evident that the Trial Court held that the factum of the applicant accepting the amount from a third party and the recovery of the same by the vigilance party, was held proved. The only ground on which the applicant was acquitted was that the prosecution did not establish that the amount was received by way of illegal gratification. The appointing authority of the applicant took the view that the acquittal was not honourable and accordingly his request for treating the period of suspension as on duty cannot be acceded to.
6. We are in agreement with the view expressed by the appointing authority in the impugned order. Once the Criminal Court held that the applicant received the amount and the same was recovered by the Police, acquittal was

purely on technical grounds. Further, the applicant is not able to place before us any provision of law, which supports his contention.

7. We do not find any merit in the TA. It is accordingly dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

January 13, 2021

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