

Central Administrative Tribunal Jammu Bench, Jammu

T.A. No.4980/2021
(S.W.P. No.793/2009)

Wednesday, this the 19th day of May, 2021

(Through Video Conferencing)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Tarun Shridhar, Member (A)

Riaz Ahmed, age 45 years
s/o Habibullah
r/o Narwal Balla, Jammu

..Applicant

(Nemo for applicant)

VERSUS

1. State of J & K through Commissioner/Secretary
Revenue Department, Civil Secretariat,
Srinagar
2. Deputy Commissioner, Jammu
3. Tehsildar Settlement Jammu

..Respondents

(Mr. Sudesh Magotra, Deputy Advocate General)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicant was placed under suspension vide order dated 05.05.2009. Stating that the order of suspension was passed by an authority not vested with the power and raising several other grounds, the applicant filed SWP No.793/2009 before the Hon'ble High Court of Jammu & Kashmir.



2. The SWP has since been transferred to the Tribunal in view of reorganization of the State of Jammu & Kashmir and renumbered as T.A. No.4980/2021.



3. Today, there is no representation for the applicant. We perused the record and heard Mr. Sudesh Magotra, learned Deputy Advocate General.

4. The applicant was working as Patwari. The appointing authority for that post is Deputy Commissioner. It is only the appointment authority, that can place an official under suspension. In the instant case, the order of suspension was passed by the Tehsildar. On the face of it, the order is without jurisdiction.

5. Therefore, the T.A. is allowed and the order of suspension is set aside. This, however, shall not preclude the competent authority from taking necessary steps, if it is otherwise warranted.

There shall be no order as to costs.

(Tarun Shridhar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

May 19, 2021
/sunil/jyoti/sd/