

Item No.12



## Central Administrative Tribunal Jammu Bench, Jammu

T.A. No.5046/2021  
(S.W.P. No.1933/2010)

Friday, this the 28<sup>th</sup> day of May, 2021

(Through Video Conferencing)

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

Constable Jagjeet Singh, aged 36 years,  
No. 578/D, PID No. EXJ-985747,  
S/o Sh. Hem Raj,  
R/o Mangal Thata, Dessa,  
Tehsil and District, Doda.

... Applicant

(Nemo for applicant)

### Versus

1. State of J&K,  
Through Commissioner Secretary Home,  
Civil Secretariat, Jammu.
2. Deputy Inspector General of Police,  
Doda Kishtwar Ramban Range.
3. Senior Superintendent of Police, Doda.
4. Deputy Superintendent of Police,  
DAR, DPL, Doda.

... Respondents

(Mr. Rajesh Thappa, Deputy Advocate General)

### O R D E R (ORAL)

**Mr. Tarun Shridhar, Member (A):**

The applicant, who was a Constable in Jammu & Kashmir Police, was awarded the penalty of withholding of one annual

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increment for a period of one year on account of holding him guilty of remaining absent from duty.

2. The brief facts of the case are that on completion of his duty during the elections, the applicant did not report back to the authorities on the ground that he suddenly fell ill, which required hospitalization. However, the records show that he did not even inform the concerned officer with respect to his illness, which necessitated him to remain absent from duty. After holding the inquiry, the disciplinary authority imposed the penalty of withholding of one annual increment. The applicant has challenged the order of penalty before the appellate authority, who set aside the order and amended the penalty to 'censure'. The applicant still feels aggrieved even by the penalty of 'censure' and hence, filed SWP No.1933/2010 before the Hon'ble High Court of Jammu & Kashmir.

3. 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.5046/2021.

4. None is present for the applicant to contest his claim. Mr. Rajesh Thappa, learned Deputy Advocate General is present and we heard him at length.

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5. After examining the records, we find that the appellate authority was just, fair and proper in holding that though the applicant remained absent from duty, the penalty awarded to him is a bit harsh. However, the appellate authority held that the applicant, being a responsible officer in the disciplined force, should have informed the authorities of the fact of his absence on account of illness; and on account of this lapse i.e. his failure to inform, he was imposed a penalty of 'censure', which is more in the nature of caution and warning. Since this penalty does not have the effect of adversely affecting the applicant in any way in his future prospects, and the fact that there is nobody to contest the matter on behalf of the applicant, we find that nothing sustains in the T.A. It is accordingly dismissed. There shall be no order as to costs.

**( Tarun Shridhar )**  
**Member (A)**

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

**May 28, 2021**

/sunil/rk/ankit/sd/