

**Central Administrative Tribunal  
Jammu Bench, Jammu**

O.A. No. 610/2021

Thursday, this the 08<sup>th</sup> day of April, 2021

(Through Video Conferencing)

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



Kasturi Lal, aged 49 years,

S/o Sh. Hans Raj,

R/o Village Loudhra, P/o Karnaid,

Tehsil Ramnagar and District Udhampur.

..Applicant


(Ms. Rani Kiyala, Advocate)

VERSUS

1. Union Territory of J&K,  
Through its Commissioner/Secretary,  
Forest Department,  
Civil Secretariat, Jammu/Srinagar.
2. Conservator of Forests,  
East Circle Jammu.
3. Divisional Forest officer,  
Ramnagar Forest Division,  
Ramnagar.
4. Divisional Forest Officer,  
Udhampur Forest Division,  
Udhampur.

..Respondents

(Mr. Amit Gupta, Additional Advocate General)

**ORDER (ORAL)****Justice L. Narasimha Reddy:**

The applicant is working as Forest Guard in Jallaro Beat. Himself and one Mr. Mohinder Singh, Forest Guard, Gandh Top Beat, were placed under suspension through an order dated 13.07.2020. It was alleged that the applicant and the other Forest Guard, failed to notice stumps, in the forest, and to prevent felling of the Trees. On 03.12.2020, the applicant was served with several proceedings stating them to be articles of charge. This OA is filed challenging the order of suspension as well as articles of charge.

2. The applicant contends that the suspension was ordered without any basis and on vague allegations. He submits that having placed under suspension way back in July 2020, the respondents did not even care to review the matter and he is being continued under suspension, contrary to law.

3. As regards the charge memo, the applicant contends that, on the one hand, it is mentioned that the charges are framed and on the other hand, it states that the reply shall be submitted before the disciplinary proceedings are initiated, against him.

4. Today, we heard Ms. Rani Kiyala, learned counsel for the Applicant and Mr. Amit Gupta, learned Additional Advocate General, for the Respondents.

5. The challenge in this OA is to the order of suspension, as well as to the charge memorandum, on the other hand.



6. The applicant was placed under suspension pending inquiry into certain allegations against him. There is no requirement under the Jammu and Kashmir Service Rules, warranting review and extension of suspension within a specified time. All the same, the applicant cannot be continued under suspension indefinitely, without any review at all. Though the circumstances may warrant placing an employee under suspension, the question as to whether it can be continued beyond a point of time, needs to be reviewed within a reasonable time.

7. Though, we are not inclined to interfere with the order of suspension, we are of the view that the same needs to be reviewed by the Divisional Forest Officer, as provided for under Rule 31 of J & K Civil Services (Classification, Control and Appeal) Rules, 1956.

8. Coming to the charge memorandum, we find it a bit peculiar. On one hand, it states that the charges are framed against the applicant. On the other hand, the applicant is required to submit a reply before the disciplinary proceedings are initiated. The officer, who issued the charge memorandum dated 03.12.2020, ought to have been a bit careful and verified the relevant provisions of law, before passing the order. It should not be forgotten that any procedural lapse would lead

to the annulment of proceedings particularly where serious allegations are made.

9. We, therefore, dispose of this OA, directing that the Divisional Forest Officer/Conservator of forest, Ramnagar i.e. Respondent No.3 shall review the suspension of the applicant within a period of four weeks from the date of receipt of a copy of this order, and decide whether it is in public interest, to continue the applicant under suspension; and shall verify the relevant provisions of law in the context of issuing a charge memorandum and take appropriate steps within a period of four weeks. If necessary, a revised charge memorandum shall be issued.

There shall be no order as to costs.

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

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

**Dsn**

