



**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

**T.A.62/4264/2020
(SWP No. 1677/2015)**

This the 19th day of January, 2021

**HON'BLE MR. JUSTICE L. NARASIMHA REDDY, CHAIRMAN
HON'BLE MR. PRADEEP KUMAR, MEMBER (A)**

Abdul Majeed Malik, aged:-59 years, S/o Asadullah Malik, R/o:-
Fatehpura Anantnag, Tehsil & District:- Anantnag.

...Applicant

(Advocate: Shri Rizwan Ul. Zaman)

Versus

1. State of Jammu and Kashmir through Commissioner Secretary to Government Department of Youth Service & Sports, Jammu & Kashmir, Srinagar/Jammu.
2. Director General Youth Service & Sports, Jammu & Kashmir, Srinagar/Jammu.
3. Deputy Director, Youth Service & Sports, Kashmir Srinagar.
4. District Youth Service and Sports Officer, Anantnag.
5. Accountant General, Jammu and Kashmir, Srinagar.

...Respondents

(Advocate:- Mr Sudesh Mangotra and Shri Rajesh Thappa)

**ORDER [ORAL]**

Justice L. Narasimha Reddy, Chairman: -

The applicant was working as Physical Education Teacher in the Department of Education in Anantnag District. On the basis of a complaint received from the Sr. Superintendent of Police, Anantnag, dated 14.03.2014, stating that the applicant figured as an accused in the criminal case, the Appointing Authority placed the applicant under suspension through an order dated 27.03.2014. The applicant filed SWP No. 1677/2015, challenging the order of suspension.

2. The applicant contends that the order of suspension is purely malafide inasmuch as it was passed few days before his date of retirement. It is also stated that the pension and other benefits were withheld.

3. The SWP has since been transferred to this Tribunal in view of reorganization of the State of Jammu & Kashmir and renumbered as TA.No.62/4264/2020.

4. We heard Shri Rizwan Ul. Zaman, learned counsel for applicant and Shri Rajesh Thappa, Deputy Advocate General, with Shri Suresh Mangotra, Deputy Advocate General, learned counsel for respondents, at some length.



5. From a perusal of the record, we find that the facts of the case, namely involvement of the applicant in several cases, justify placing him under suspension. ^{However,} The timing of the order was totally inappropriate. The order of suspension was passed just four days before the applicant retired from service. In any way, it can be said that the entire exercise in passing the order of suspension was futile, inasmuch as it becomes redundant once the applicant attains the age of superannuation. Unless, any disciplinary proceedings were initiated and the relevant rules prohibit sanction of pension on account of pendency of criminal cases, the respondents cannot withhold the pensionary benefits.

6. We, therefore, dispose of the TA, directing that the respondents shall release the pensionary benefits and other benefits of the applicant within a period of four weeks from today. If, according to them, the pension and other benefits cannot be released, a reasoned order shall be passed within that time. There shall be no order as to costs.

(PRADEEP KUMAR)
MEMBER (A)

(JUSTICE L. NARASIMHA REDDY)
CHAIRMAN