

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

T.A. No. 62/31/2020

This the 13th day of May, 2021

HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J)

HON'BLE MR. ANAND MATHUR, MEMBER (A)

Firdous Ahmad Mir, Age 40, S/o Haji Abdul Ahad Mir
R/o Naidkadal, near Ranger Masjid Srinagar

.....Applicant

(Advocate:- Mr. Aditya Gupta)

Versus

1. Union Territory of Jammu and Kashmir through Commissioner/ Secretary to Govt. Food Civil Supplies and Consumer Affairs Department Civil Secretariat Srinagar/ Jammu.
2. Director Food Civil Supplies and Consumer Affairs Department, Kashmir, Srinagar.
3. Joint Director (Admn) Food Civil Supplies and Consumer Affairs Department, Kashmir, Srinagar
4. Chief Accounts Officer Directorate of Food Civil Supplies and Consumer Affairs Department, Kashmir, Srinagar.

.....Respondents

(Advocate: Mr. Amit Gupta, learned A.A.G)

ORDER

[O R A L]

(Delivered by Hon'ble Mr. Anand Mathur, Member-A)

The present T.A. has been filed by the applicant against the impugned order dated 29.01.2020 which reads as under:-

“Kindly refer your Office Memo No. FDCS&CAK/Adm/B-X-347 dated 27.01.2020 under reference regarding the subject captioned above. In this connection, it is to state that as per the available records, Mr. Firdous Ahmad Mir, ASK R. No. 5637 has family dispute with her spouse in light of letter issued by



the Islamic Court of Shariat signed by the Secretary Grand Mufti, J&K addressed to the Director, FCS&CAK, Srinagar under No. 5180, Rics/19-35 dated 14.12.2019 (copy enclosed). The worthy Director has marked the letter to the undersigned to stop salary of the concerned official till further orders.”



2. We have heard Mr. Imtiyaz Ahmad Sofi, learned counsel for the applicant and Mr. Amit Gupta, learned A.A.G. and perused the records.

3. Learned counsel for applicant submitted that the impugned order is totally illegal, not sanctioned by any law and issued without application of mind and deserves to be set aside. Learned AAG, on the other hand made a strenuous but a vain effort to support the impugned order. Learned AAG submitted that the impugned direction has been issued by responsible functionaries of the Government after application of mind and the application being meritless deserves to be dismissed.

4. Government servants are governed by Service Conduct Rules as well as other rules and regulations issued by the Government regarding the conduct of employees. There is no place for any outside authority such as religious heads, social heads etc to exercise control over the conduct of Government Servants. In the instant case, the records indicate that disciplinary action has been initiated by the office on the basis of a letter issued by a religious authority. Such an action is not tenable as per Civil Services Regulations. The action of the respondents does not stand the scrutiny of rules and regulations governing Government employees. It shows lack of application of mind as well as knowledge of rules and regulations.

5. We, therefore, set aside the impugned order and direct the respondents to release the salary and other dues of the applicant within a period of one month from the date of receipt of certified copy of this order provided there is no other legal impediment in releasing the salary.



6. With the above direction, the T.A. is disposed of. No order as to cost.

(ANAND MATHUR)
MEMBER (A)

(RAKESH SAGAR JAIN)
MEMBER (J)

Manish/Shashi/Arun