

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

O.A. No. 62/730/2021

This the 03rd day of May, 2021

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

Shabir Ul Hassan Wagay, Age 40 years, S/o Ghulam Hassan Wagay, R/o Arriguntoo, Kulgam-192231.

.....Applicant

(Advocate:- Mr. Faisal Javid)

Versus

1. Union Territory of J&K through its Commissioner/Secretary CAPD, Srinagar-190001.
2. Director Consumer Affairs & PD Deptt, Shaheed Gunj, Srinagar-191202.
3. Joint Director (Adm) Consumer Affairs & PD Deptt. Srinagar-191202.
4. Assistant Director, Consumer Affairs & PD Deptt Kulgam,-192231.

.....Respondents

(Advocate: Mr. Sudesh Magotra, Deputy Advocate General)

ORDER
[O R A L]

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

The present O.A. has been filed by Shabir Ul Hassan Wagay seeking the following reliefs:-

“In the premises, it is therefore, prayed that this Hon'ble Tribunal may be pleased to issue an appropriate order or direction to the non applicants by directing them to provide the copy of the complaint & provide an opportunity of being heard to the applicant by observing principles of natural justice before proceeding against him in the process of departmental inquiry.

This Hon'ble Tribunal may be pleased to direct the non applicant to follow the guidelines issued by the Govt, vis-à-vis dealing with anonymous complaints against an employee & thereby prohibiting the non applicants from terminating the service of the applicant on the basis of such false & baseless complaint.

Any other order or direction which this Hon'ble Tribunal may deem fit and appropriate in the attending facts and circumstances of the case in favour of the applicants and against non applicants.”





2. The case of the applicant is that he was selected as Store Keeper in the year 2008 and he was subsequently promoted as TSO. It is the further case of the applicant that he learnt that a false, frivolous and anonymous complaint has been filed against him, cognizance of which has been taken by the respondents without following principles of natural justice and that the applicant be explained the reasons for conducting such inquiry or giving him a chance to rebut the complaint. Therefore, the respondents need to provide the opportunity of being heard before any major penalty is inflicted upon the applicant. Hence, the present O.A. seeking a direction to the respondents to supply a copy of the complaint and provide opportunity of being heard to the applicant before proceeding against him by way of departmental inquiry and also follow the guidelines issued by the Government in dealing with anonymous complaints against Government employee.

3. We have heard Mr. Faisil Javid, learned counsel for the applicant and Mr. Sudesh Magotra, learned D.A.G. for the respondents and perused the records.

4. Looking to the arguments of learned counsel for applicant and averments made in the O.A., it is apparent that applicant has based his case on apprehension that the respondents would proceed against him without following due process of law and in violation of CSR Rules. There is nothing tangible on record to show that the respondents are proceedings against the applicant in violation of Principles of Natural Justice or in violation of rules of Civil Service Regulations.

5. Accordingly, we are of the opinion that no case is made out by the applicant. The O.A. is accordingly dismissed, however the respondents would ensure that any action taken against the applicant would be in accordance with rules and regulations and due notice is given to him before proceeding against him.



6. There shall be no orders as to cost.

(ANAND MATHUR)
MEMBER (A)

Arun

(RAKESH SAGAR JAIN)
MEMBER (J)