

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JAMMU BENCH, JAMMU**

Hearing through video conferencing

**O.A. No. 62/729/2021**

This the 03rd day of May, 2021

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



1. Gulzar Ahmad Wani, Age 43 years, S/o Ghulam Mohiuddin Wani, R/o Bus Stand, Kulgam.
2. Suhail Ahmad Sheikh, Age 42 years, S/o Mohammad Iqbal Sheikh, R/o Kacho Door, Vehil, Shopian.

.....Applicants

(Advocate:- Mr. Faisal Javid)

**Versus**

1. Union Territory of J&K through Principal Secretary to Govt Planning & Development Department, Civil Secretariat, Jammu/Srinagar-180001.
2. Director Economics Statistics Janipur Jammu-180007.

.....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 Gulzar Ahmad Wani and Suhail Ahmad Sheikh 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's 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. Applicant No. 1 is presently working as Statistical Assistant at Block Development Officer, Shangus Anantnag and the Applicant No. 2 is working as Additional District Development Commissioner, Shopian. It is the case of the applicants that they learnt that a false, frivolous and anonymous complaint has been filed against them, cognizance of which has been taken by the respondents without following principles of natural justice and that the applicants 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 applicants. 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 applicants 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 applicants and Mr. Sudesh Magotra, learned D.A.G. for the respondents and perused the records.

4. Looking to the arguments of learned counsel for applicants and averments made in the O.A., it is apparent that applicants have based their case on apprehension that the respondents would proceed against them 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 applicants 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 applicants. The O.A. is accordingly dismissed, however the respondents would ensure that any action taken against the applicants would be in accordance with rules and regulations and due notice is given to them before proceeding against him.



6. There shall be no orders as to cost.

**(ANAND MATHUR)**  
**MEMBER (A)**

*Arun*

**(RAKESH SAGAR JAIN)**  
**MEMBER (J)**