

**Central Administrative Tribunal
Jammu Bench, Jammu**



O.A. No.1154/2020
M.A. No.1558/2020

Friday, this the 16th day of April, 2021

(Through Video Conferencing)

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

1. Imtiyaz Ahmad Dar, aged 52 years
s/o Assadullah Dar
r/o Haft Chinar Srinagar (Seed Examiner)
2. Ishtiaq Ahmad Bhat, aged 50 years
s/o Ghulam Mohammad Bhat
r/o Barzulla Srinagar (Seed Examiner)
3. Mohammad Aslam Lone, aged 55 years
s/o Ali Mohammad Lone
r/o Zahidpora Hawal, (I/c Sericulture Assistant)
4. Ajaz Ahmad Khan 58 years
s/o Bashir Ahmad Khan
r/o Wanabal Rawalpora Srinagar (Seed Examiner)
5. Muzzaffer Ahmad, aged 37 years
s/o Abdul Rehman Dar
r/o Mehrajpora Batamaloo Srinagar (Seed Examiner)
6. Saleem Ahmad Sofi, aged 36 years
s/o Ab Rehman Sofi
r/o Kralora Budgam (Store Khalsi)
7. Ishfaq Ahmad Wani, aged 48 years
s/o Mohammad Ismail Wani
r/o Rawalpora Srinagar (Medical Assistant)
8. Manzoor Ahmad Bhat, aged 51 years
s/o Ghulam Mohi ud Din Bhat
r/o Gulshan Abad Hyderpora Srinagar

..Applicants

(Mr. Sofi Furkan Yaqub, Advocate)

VERSUS

1. U.T. of J&K through Commissioner cum Secretary to Government, Agriculture Production Department, J & K Government, Civil Secretariat, Srinagar/Jammu
2. Director, Sericulture Development Department, Kashmir, Srinagar
3. Additional Director Sericulture Development Kashmir

..Respondents

(Mr. Rajesh Thappa, Deputy Advocate General)



ORDER (ORAL)

Justice L. Narasimha Reddy:

M.A. No.1558/2020

M.A. seeking joining together in a single petition is allowed.

O.A. No.1154/2020

The applicants are working in different capacities, in the Directorate of Sericulture Development Department, Jammu & Kashmir. They were posted in the Main Grainage, Srinagar. The Director of Sericulture visited that place on 05.06.2020 and it was found that as many as fourteen employees, including the applicants, were absent, though their presence were marked in the attendance register. Taking that aspect into account, the Administrative Officer passed an order dated 08.06.2020 placing fourteen employees, including the applicants, under suspension.

2. The applicants contend that there was absolutely no justification for placing them under suspension, just on the basis of allegation as to absence for few hours on a particular day. It is

stated that six employees, who were placed under suspension, have been reinstated into service, through order dated 03.09.2020. This O.A. is filed challenging the said order and seeking a direction to the respondents to revoke the order of their suspension.



3. On behalf of the respondents filed, a detailed counter affidavit. It is stated that on 08.06.2020, the day on which the applicants were placed under suspension, they have attacked, forcefully entered the office, ransacked the furniture and even made certain officers hostage for a quite long time. An FIR is said to have been registered, in this behalf. They contend that taking these developments into account, a detailed order dated 03.09.2020 was passed, directing inquiry against the applicants and reinstating remaining six employees.

4. Today, we heard Mr. Sofi Furkan Yaqub and Mr. Rajesh Thappa, learned Deputy Advocate General.

5. It may be true that placing of an employee under suspension just on the basis of the allegation that he was not present on seat when the inspection took place is a bit abnormal. In fact, we would have directed reinstatement of the applicant had it been a simple case of suspension being ordered, just on the allegation of absence for few hours, and it is being till now. What made the things worse was the reaction of the applicants soon



after the order of suspension was passed. They are said to have forcefully entered the office, ransacked the furniture and even made certain officers hostages. A detailed order was passed on 03.09.2020 making reference to these developments. An FIR was also registered against the applicants. The fairness on the part of the respondents is evident from the fact that except those, who have taken recourse to such objectionable activities rest, were reinstated into service. We are of the view that the applicants can submit a representation tendering their unconditional apology for whatever untoward incident taken place on 05.06.2020 and furnishing an undertaking to maintain good conduct. The respondents may consider the feasibility of reinstating the applicants, without prejudice to the inquiry, which is already in process. If any item of furniture was damaged, the applicants can be required to restore it.

7. We, therefore, dispose of the O.A. directing that -

- (i) in case the applicants make a representation (a) rendering unconditional apology for whatever untoward incident happened on 05.06.2020;
- (b) undertaking to maintain good conduct; and
- (c) offering to restore any item of property, that was damaged during their demonstration;

the respondents shall pass orders within four weeks from the date of receipt of representation.

(ii) In case the applicants are reinstated, it shall be without prejudice to the further inquiry, if the same is going on.

There shall be no order as to costs.

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(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/sunil/dsn/sd/