



**Central Administrative Tribunal
Jammu Bench, Jammu**

T.A. No. 6316/2020
(SWP No.2009/2003)

This, the 25th day of January, 2021

(Through Video Conferencing)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Pradeep Kumar, Member (A)

Mohammad Ayoub Wani, age 49 years,
S/o Ghulam Ahmed Wani,
R/o Gagraan, Shopian,
Storekeeper, Food & Supplies Department.

... Applicant

(None for applicant)

Versus

1. State of J&K through,
Principal Secretary to Government,
General Administration Department,
Civil Secretariat,
Srinagar/Jammu.

2. Director,
Consumer Affairs & Public Distribution Department,
Kashmir, Srinagar.

... Respondents

(Mr. Sudesh Magotra, Deputy Advocate General)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicant was working as Store Keeper in the Consumer Affairs and Public Distribution Department at Shopian. He was placed under suspension through order dated 04.11.1994. Aggrieved by that, the applicant filed SWP No.410/1995. That was disposed of on 01.09.1995 directing

the respondents to release the dues of subsistence allowance. It is stated that the subsistence allowance has since been paid. Through an order dated 09.12.2003, the respondents have compulsorily retired the applicant from service, by exercising the powers conferred under Rule 226 (2) of the Jammu & Kashmir Civil Service Regulations (for short, the Regulations), duly paying the relevant amount.



2. The applicant filed SWP No.2009/2003 before the Hon'ble High Court of Jammu & Kashmir, feeling aggrieved by the order dated 09.12.2003. He contends that there was absolutely no basis for the respondents in issuing the impugned order, particularly when, he was continued under suspension for quite a long time and without initiating any disciplinary proceedings.

3. The respondents filed a counter affidavit opposing the TA. It is stated that the conduct of the applicant was totally unsatisfactory, and he was under suspension for quite a long time. It is stated that ultimately he was retired on compulsorily basis on attaining the age of 48 years in terms of Rule 226 (2) of the Regulations.

4. In view of re-organization of the State of Jammu, the SWP has since been transferred to this Tribunal and renumbered as TA No.6316/2020.

5. There is no representation for the applicant today. We heard Sudesh Magotra, learned Deputy Advocate General, and perused the record.

6. The very fact that the applicant was placed under suspension way back in the year 1994 discloses the nature of services rendered by him as well as the dissatisfaction of the department. There exists a provision in the Regulations, similar to Fundamental Rule 56 (j). That was invoked and the impugned order was passed. It is fairly well settled that the judicial review of the orders of compulsory retirement is highly restricted. The applicant has crossed the usual age of retirement also. Nothing remains to be decided in this TA. It is accordingly dismissed as infructuous.

There shall be no order as to costs.

(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

lg/pj/sunil/vb/ankit

