



## **Central Administrative Tribunal Jammu Bench, Jammu**

**T.A. No.6856/2020  
(S.W.P. No.2448/2017)**

**Wednesday, this the 24<sup>th</sup> day of February, 2021**

**(Through Video Conferencing)**

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

Showkat Ahmad Mir  
S/o Mohammad Ramzan Mir  
R/o Kadiabal, Pampore  
Pulwama, Kashmir,  
Aged 43 years.

**.. Applicant**  
(Through Mr. Mohsin Qadri, Advocate)

### **Versus**

1. State of Jammu & Kashmir State  
Through Commissioner-Secretary  
Rural Development  
Civil Sectt., Jammu/Srinagar.
2. Director  
Rural Development,  
Kashmir, Srinagar.

**.. Respondents**

(Through Mr. Amit Gupta, Additional Advocate General)

**O R D E R (ORAL)**

**Justice L. Narasimha Reddy:**

The applicant is working as a Helper in the Civil Secretariat's Rural Development Department of the State of Jammu and Kashmir. He was arrested in relation to a criminal case, referable to FIR No.19/2003 registered under Section 5 (2) of Jammu & Kashmir Prohibition of Corruption Act, 2006, read with Sections 419/420 etc. of Ranbir Penal Code (RPC). As a sequel to that, the applicant was placed under suspension, through an order dated 10.09.2003. The applicant filed SWP No. 11/2011, feeling aggrieved by the order of suspension. The SWP was disposed of on 11.05.2012, directing the respondents to review the order. In compliance with the same, the respondents passed an order dated 03.09.2014, directing reinstatement of the applicant into service. The manner in which the period of suspension must be treated was left to be decided after the disposal of the criminal case. The applicant filed SWP No.2448/2017, challenging the order dated 03.09.2014, so far as it did not decide the manner in which the period of suspension must be treated. The applicant contends that once he is reinstated into service, the period of suspension is required to be treated as on duty.

2. The SWP has since been transferred to the Tribunal in view of the reorganization of the State of Jammu and Kashmir and renumbered as TA No. 6856/2020.

3. Today, we heard Mr. Mohsin Qadri, learned counsel for the applicant and Mr. Amit Gupta, learned Additional Advocate General for the respondents.

4. The suspension of the applicant was on account of his having been arrested in a criminal case. It is only in compliance with the directions issued by the Hon'ble High Court of Jammu and Kashmir, that the applicant was reinstated into service, maybe, on account of the fact that the suspension continued for a number of years. However, it is not in dispute that the criminal case was still pending by the time, the impugned order was passed. It is just unthinkable as to how the period of suspension can be treated, can be decided as long as the criminal case is pending.

5. We do not find any merit in the T.A. and it is accordingly dismissed. It is, however, made clear that depending on the outcome of the criminal case, the competent authority shall

decide the manner, in which the period of suspension undergone by the applicant, shall be treated. There shall be no order as to costs.

**( Pradeep Kumar )**  
**Member (A)**

**( Justice L. Narasimha Reddy )**  
**Chairman**

**February 24, 2021**  
/sunil/jyoti/