



Central Administrative Tribunal Jammu Bench, Jammu

T.A. No.7279/2020
(S.W.P. No.320/2018)

Tuesday, this the 23rd day of February, 2021

(Through Video Conferencing)

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

Ghulam Ahmad Teli, age 62 years, S/o Sonaullah Teli, R/o
Pattan, District Baramulla. .. Applicant

(Through Mr. Aijaz Bedar, Advocate)

Versus

1. State of J&K through Commissioner/Secretary to Government, Consumer Affairs & Public Distribution Department, Civil Secretariat, Srinagar/Jammu.
2. Director, Consumer Affairs & Public Distribution Department, Srinagar.
3. Director, Consumer Affairs & Public Distribution Department, Jammu.
4. Relief Commissioner, (Migrant), Jammu.
5. Joint Director (Admn.), Consumer Affairs & Public Distribution Department, Srinagar.
6. Assistant Director, Consumer Affairs & Public Distribution Department, Baramulla.
7. Chief Accounts Officer, CA&PD Kashmir, Srinagar.
8. Accountant General, J&K Srinagar.

.. Respondents

(Through Mr. Rajesh Thapa, Deputy Advocate General vice Mr. Amit Gupta, Additional Advocate General)



ORDER (ORAL)

Justice L. Narasimha Reddy:

The applicant was employed as Store Keeper in the Department of Consumer Affairs and Public Distribution, Srinagar. At different points of time, he was placed under suspension on the allegations of misconduct. Ultimately, he retired from service on 31.08.2016, on attaining the age of superannuation. His grievance is that the respondents have not released the salary and allowances for the period during which he was suspended, nor have processed his pension. Claiming the reliefs in this behalf, the applicant filed SWP No.320/2018 before the Hon'ble High Court of Jammu & Kashmir.

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. 7279/2020.

3. Today, we heard Mr. Aijaz Bedar, learned counsel for applicant and Mr. Rajesh Thapa, learned Deputy Advocate General *vice* Mr. Amit Gupta, learned Additional Advocate General.

4. It is a matter of record that the applicant was placed under suspension in different spells while he was in service. However, the record is not clear as to whether any punishment was imposed or the orders were passed in the manner in which period of suspension shall be treated. The applicant retired from service on 31.08.2016, on attaining the age of superannuation. Naturally, he is entitled for payment of pension and other retirement benefits, unless any order of punishment, denying the benefit, was passed. The pension happens to be a right to property of a Government employee and it cannot be denied, unless there exist any factum recognized by law.

5. We, therefore, dispose of the T.A. directing the respondents:

- (a) to process the pension papers of the applicant in accordance with relevant provisions of rules and to release all the benefits,
- (b) to decide the manner in which the period of suspension, undergone by the applicant, must be treated within a period of two months from the date of receipt of a copy of this order; and

(c) in case, the respondents intend to deny any of such benefits to the applicant, they shall be under obligation to pass a detailed reasoned order within the time stipulated above.

There shall be no order as to costs.

(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

Februrary 23, 2021
/sd/sunil/jyoti/dsn