



**Central Administrative Tribunal
Jammu Bench, Jammu**

T.A. No. 7435/2020
(SWP No.2577/2015)

Tuesday, this the 2nd day of February, 2021

(Through Video Conferencing)

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

Jalal Ahmad Bhat (Aged : 35 Yrs.), S/o Ghulam Qadir Bhat, R/o Lassipora, Waterhail, District Budgam.

..Applicant

(None for applicant)

Versus

1. State of Jammu & Kashmir, through Commissioner/Secretary to Government, Education Department, Civil Secretariat, Srinagar/Jammu.
2. Director, School Education Kashmir, Srinagar.
3. Chief Education Officer, Budgam.
4. Zonal Education Officer, Beerwah.
5. Sakeena School, DR/Haji Ghulam Rasool Parra, R/o Larkipora, Tehsil Khag, District Budgam.

..Respondents

(Mr. Sudesh Magotra, Deputy Advocate General)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicant was working as Teacher in Middle School, Lassipora, District Budgam. He said to have been married to 5th respondent. The latter seems to have complained to the administration that the applicant contracted a second marriage. Reference is also made to certain other acts and omissions.



Taking note of that, the appointing authority passed an order dated 31.10.2015 placing the applicant under suspension pending inquiry. Challenging the same, the applicant filed SWP No.2577/2015 before the Hon'ble High Court of Jammu & Kashmir. Several contentions are raised therein. The Hon'ble High Court passed an interim order dated 04.12.2015, staying the operation of suspension.

2. The 5th respondent alone filed a counter affidavit narrating her grievance.
3. In view of re-organization of the State of Jammu, the SWP has since been transferred to this Tribunal and renumbered as T.A. No.7435/2020.
4. Today, there is no representation for the applicant and we heard Mr. Sudesh Magotra, learned Deputy Advocate General and perused the records.
5. The challenge in the SWP is to the order of suspension dated 31.10.2015. It was passed pending inquiry into certain allegations. The Hon'ble High Court was satisfied that there did not exist any *prima facie* basis for the suspension and accordingly, stayed the operation of the same. The result is that the applicant is continuing in service uninterruptedly on the basis of the interim order. It is not known as to whether any charge memo is issued to the applicant.

6. We, therefore, dispose of the T.A. directing that the impugned order of suspension shall cease to be in force, but it shall be open to the respondents to institute disciplinary proceedings, if they are of the view that the applicant has resorted to any acts of misconduct. There shall be no order as to costs.



(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

February 2, 2020

/sunil/ankit/shakhi