



Central Administrative Tribunal Jammu Bench, Jammu

T.A. No. 7519/2020
(SWP No.1427/2015)

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)

Farooq Ahmad Wani, age about 50 years, S/o Haji Abdul Gani Wani, R/o Nadihal, Bandipora.

..Applicant

(None for applicant)

Versus

1. State of Jammu and Kashmir, through Commissioner/Secretary to Government, Department of Health, Civil Secretariat, Jammu.
2. Director, Health Services Kashmir, Srinagar.
3. Chief Medical Officer, Bandipora.
4. Block Medical Officer, Bandipora.

..Respondents

(Mr. Sudesh Magotra, Deputy Advocate General)

ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicant was placed under suspension through order dated 06.07.2015 on the ground that he did not attend to the night duty on 04.07.2015 at PHC Chuntimulla. Feeling aggrieved by that, the applicant filed SWP No.1427/2015 and the Hon'ble High Court of Jammu & Kashmir was pleased to stay the operation of the order, through order dated 10.07.2015.

2. The respondents filed a counter affidavit opposing the SWP. It is stated that the applicant was placed under suspension on account of the fact that he failed to discharge his duties.

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.7519/2020.



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 applicant felt aggrieved by the order of suspension. It does not even mention that the applicant is placed under suspension pending any inquiry. It is almost in the form of a penalty for his not attending to duty on 04.07.2015. Such a course is not permissible in law.

6. The T.A. is accordingly allowed. The impugned order is set aside. It is, however, left open to the respondents to take action, in accordance with law, if they choose. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

February 2, 2020
/sunil/ankit/shakhi