



Central Administrative Tribunal Jammu Bench, Jammu

T.A. No. 8237/2020
(SWP No. 103/2016)

This the 8th day of March, 2021

(Through Video Conferencing)

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

Reyaz Ahmad Hajam years
S/o : Ali Mohammad Hajam
R/o : Madian, Chougal,
Handwara, Kupwara.

...Applicant

(Shri Lone Altaf, counsel for applicant)

Versus

1. State of Jammu and Kashmir through Commissioner cum Secretary to Government Home Department, Civil Secretariat Jammu/Srinagar.
2. Director General of Police J & K, Srinagar/Jammu.
3. Inspector General of Police, AP Range, Kashmir, Srinagar.
4. Commandant, JK Armed Police VII Bn, Kupwara.

... Respondents
(Sh. Sudesh Magotra, Deputy Advocate General)

ORDER (ORAL)

Justice L. Narasimha Reddy:

The applicant was working as Constable in the Armed Wing. He was placed under suspension through an order dated 01.10.2015, on the allegations of misconduct and misbehavior. Later on, a charge memo was issued to him and a disciplinary



inquiry was conducted. The applicant submitted an explanation, and not satisfied with that, the Disciplinary Authority (DA) appointed an Inquiry Officer (IO). The report was submitted on 20.10.2015, holding that the charge against the applicant is proved. Taking the same into account, the DA passed an order dated 29.10.2015, imposing the punishment of Censure, to remain careful in future and reinstated him into service. The applicant filed SWP.No.103/2016 challenging the same.

2. The applicant contends that the findings recorded against him were not on the basis of evidence and the punishment was imposed without any basis.

3. The respondents filed a detailed counter affidavit. It is stated that the applicant was highly indisciplined and in his 13 years of service, he has been awarded two extra duties, three warnings and one Censure, besides 7 days of absence from duties. It is stated that the prescribed procedure was followed and no illegality has crept into the proceedings.

4. We heard Shri Lone Altaf, learned counsel for Applicant and Shri Sudesh Magotra, learned Deputy Advocate General, for the Respondents.

5. The SWP has since been transferred to this Tribunal in view of the reorganization of the State of Jammu & Kashmir and renumbered as TA No. 8237/2020.

6. The allegation against the applicant is somewhat serious. He is said to have misbehaved with his fellow Constables and having regard to the gravity of the issue, he was also placed under suspension. Further, there are aggravating circumstances against the applicant. This is not for the first time that the proceedings were initiated or punishment was imposed. Earlier, many instances have taken place.



7. We do not find any merit in the TA. The TA is accordingly dismissed. There shall be no order as to costs.

(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/ sunita/ns/akshaya/dsn/sunil/