



Central Administrative Tribunal Jammu Bench, Jammu

T.A. No.8269/2020
S.W.P. No.1098/2016

Thursday, this the 18th day of February, 2021

(Through Video Conferencing)

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

Ghulam Ahmad Khan, age 55 years, S/o Mohammad
Ramzan Khan, R/o Guloora, Tehsil Langate District Kupwara

.. Applicant

(None)

Versus

1. State of Jammu and Kashmir through
Commissioner/Secretary to Government, Revenue
Department, Civil Sectt. Jammu/Srinagar.
2. Deputy Commissioner, Baramulla

.. Respondents

(Through Mr. Sudesh Magotra, Deputy Advocate General)

ORDER (ORAL)**Justice L. Narasimha Reddy:**

The applicant was working as Tehsildar Boniyar in Baramula District, in the year 2016. It is stated that the Hon'ble High Court of Jammu and Kashmir, passed an order dated 02.07.2015, directing execution of the decree dated 31.12.1970 passed in favour of one Mr. Shabir Teeli in Civil Suit No. 30/1958, within 3 months. Alleging that the order of the Hon'ble High Court was not complied with, a Contempt Case No.6/2015, was filed against the State and the District Collector. The Collector, in turn, placed the applicant under suspension, through an order dated 16.05.2016, alleging that he did not take necessary steps for implementation of decree and the order of the Hon'ble High Court, and that resulted in issuance of directions of personal appearance of the Collector. Challenging the suspension order, the applicant filed SWP No. 1098/2016, before the Hon'ble High Court of Jammu and Kashmir at Srinagar,

2. The applicant pleaded that he was not a party to the execution proceedings, and the second respondent, i.e. the Collector, has passed the impugned order just to cover up her lapses.



3. 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.8269/2020.

4. Today, there is no representation on behalf of the applicant. We heard Mr. Sudesh Magotra, learned Deputy Advocate General, for respondents.

5. The record discloses that no counter affidavit has been filed by the respondents.

6. The applicant was placed under suspension through order dated 16.05.2016, pending a detailed departmental enquiry. It is not known as to whether any charge memo was issued to the applicant or whether he has been reinstated. By any standard, an employee cannot be continued under suspension for such a long time. Further, the applicant may have retired by this time.

7. We, therefore dispose of this TA, leaving it open to the applicant to pursue further remedies depending upon the existing state of affairs. There shall be no orders as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/jyoti/ankit/dsn