

Item No. 5



Central Administrative Tribunal Jammu Bench, Jammu

TA No. 8718/2020
(SWP No. 271/2012)

Monday, this the 31st day of May, 2021

(Through Video Conferencing)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Tarun Shridhar, Member (A)

Abdul Salam Bhat, Aged 63 years
S/o Abdul Khaliq Bhat
R/o LalporaTangmarg
District Baramulla
Occupation : Retired Government Teacher

...Applicant

(Nemo for applicant)

VERSUS

1. State of J & K Through Commissioner Secretary
Education Department
Civil Secretariat, Srinagar/Jammu.
2. District Fund Officer, Edu. Baramulla.
3. Zonal Education Officer
Kunzar Tangmarg Baramulla.
4. Accountant General Office, Srinagar.
5. Treasury Officer at Tangmarg, Baramulla.
6. Headmaster, Higher Secondary School
Lalpora, Tangmarg.

...Respondents

(Mr. Rajesh Thappa, Deputy Advocate General)



ORDER (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicant was working as Head Master in the Government Higher Secondary School, Lalpora, Tangmarg. In the year 2012, the Chief Accounts Officer, District Fund Office, Baramulla addressed a letter dated 30.01.2012 to the applicant, stating that he was responsible for payment of excess amount of Rs.55,296/- to Mr. Abdul Salam Bhat. The applicant was requested to take the steps for recovery of the amount. It was also mentioned that if he fails to do that, the matter would be brought to the notice of the higher authorities. The applicant filed SWP No.271/2012 before the Hon'ble High Court of Jammu & Kashmir, challenging the letter dated 30.01.2012 by raising several grounds.

2. The respondents filed a detailed counter affidavit, stating that none of the rights of the applicant are either detrimental or defeated and the SWP itself was without any cause of action.

3. The SWP has since been transferred to the Tribunal in view of the reorganisation of the State of Jammu & Kashmir and renumbered as TA No. 8718/2020.

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4. It is brought to our notice that Mr. Syed Babar Jan Qadri, learned counsel for applicant, is no more. Since it is one of the oldest matters, we perused the record and heard Mr. Rajesh Thappa, learned Deputy Advocate General.

5. We would have certainly issued notice to the applicant to make arrangement since his advocate is no more, in case any of his rights were defeated or the impugned order has the effect of bringing any adverse consequences. Except making a request to the applicant to take steps for recovery of the amount from the named pensioner, the letter does not determine any rights whatsoever. It is needless to mention that in case any action is required to be taken against the applicant, it shall be strictly in accordance with law.

6. We, therefore, dispose of the T.A., directing that any punitive steps, if contemplated against the applicant, shall be taken in accordance with law and clarifying that the impugned order, by itself, does not affect the rights of the applicant in any manner.

There shall be no order as to costs.

(Tarun Shridhar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

May 31, 2021
/sunil/jyoti/ns/sd/