

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

O.A. No. 61/666/2020

This the 28th day of April, 2021

HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J)
HON'BLE MR. DINESH SHARMA, MEMBER (A)

Gh. Nabi Zarga, Age 60 years, S/o Gh. Hassan Zargar, R/o Tral, Distt. Pulwama.
.....Applicant

(Advocate:- Mr. Bhat Fayaz Ahmad)

Versus

1. State of J&K through Commissioner/Secretary to Govt. (Jal Shakti) PHE, I&FC Department, Civil Sectt. Srinagar/Jammu.
2. Commissioner/Secretary to Govt. GAD Department, Civil Sectt. Srinagar/Jammu.
3. Commissioner/Secretary to Govt. Finance Department, Civil Sectt. Srinagar/Jammu.
4. Chairman, Public Service Commission, Jammu & Kashmir Srinagar/Jammu.

.....Respondents

(Advocate: Mr. Amit Gupta, learned A.A.G.)

**ORDER
ORAL**

(Delivered by Hon'ble Mr. Dinesh Sharma, Member-A)

The applicant while working as Incharge Assistant Engineer was implicated in case FIR 01/1997 of Police State Vigilance Organization Kashmir and was subsequently placed under suspension vide Government Order no. 395-PDD of 1998 dated 11.09.1998. Subsequently, the applicant along with other employees came to be reinstated vide order dated 10.07.2003. In the year 2005, the applicant was placed as Incharge Assistant Executive Engineer in his own grade and pay and he was promoted as Incharge Executive Engineer vide government order no. 325-PW (Hyd) of 2019 dated 30.08.2019. The applicant retired from service on 30.04.2020. The case of the applicant is that he could not get his pension papers settled as the applicant remained under suspension w.e.f., 11.09.1998 to 10.07.2003, the said period has neither been decided nor the salary for the said years have been released in favour of the applicant except the suspension allowance. By virtue of that suspension, the applicant could not get his increments. The applicant



also approached the respondents seeking settlement of the period of suspension but the respondents have not taken any action in this regard till date.



2. Learned counsel for the applicant submits that a direction may be issued to the respondents to treat the period of suspension w.e.f, 11.09.1998 to 10.07.2003 as on duty in the light of the Government Order No. 1530-GAD of 2013 dated 25.10.2013, Government Order No. 162-GAD of 2014 dated 07.02.2014 and Government Order No. 291-GAD of 2019 dated 27.02.2019.

3. We have heard Mr. Bhat Fayaz Ahmad, learned counsel for the applicant and Mr. Amit Gupta, learned A.A.G for the respondents and perused the records.

4. Looking to the facts and circumstances of the case, we dispose of the O.A. with direction to the respondents to consider the prayer of the applicant for treating the period of suspension w.e.f, 11.09.1998 to 10.07.2003 as on duty in the light of the Government Order No. 1530-GAD of 2013 dated 25.10.2013, Government Order No. 162-GAD of 2014 dated 07.02.2014 and Government Order No. 291-GAD of 2019 dated 27.02.2019 as per rules and provided that aforesaid orders are applicable in the case of the applicant. This exercise be completed within a period of two months from the date of receipt of certified copy of this order.

5. It is made clear that we have not entered into the merits of the case.

6. There shall be no orders as to cost.

(DINESH SHARMA)
MEMBER (A)

Arun

(RAKESH SAGAR JAIN)
MEMBER (J)