

Item No. 11



Central Administrative Tribunal Jammu Bench, Jammu

T.A. No.494/2021
(SWP No.2448/2013)

Wednesday, this the 24th day of March, 2021

(Through Video Conferencing)

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

Syed Naseer Ahmad Andrabi Aged 38 years,
S/o Syed Bashir Ahmad Andrabi,
R/o Ratnipora District Pulwama, Kashmir.

..Applicant

(None)

Versus

1. State of J&K through Commr/Secretary to Govt. Labour & Employment Department, Civil Sectt., Jammu/Srinagar.
2. Labour and Provident Fund Commissioner J&K Railway Head Jammu.
3. Additional Provident Fund Commissioner, Kashmir Division, Batmallo Srinagar.
4. Deputy Provident Fund Commissioner Central Railway Head Jammu.
5. Chief Accounts Officer Provident Fund Officer Batmallo, Srinagar.

..Respondents

(M r. Rajesh Thappa, Deputy Advocate General)

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

The applicant was working as Junior Assistant in the Office of Additional Provident Fund Commissioner, Kashmir Division, Batmaloo, Srinagar. He was placed under suspension through an order dated 03.08.2009 on account of the fact that he was involved in a criminal case. He filed SWP No. 834/2011 before the Hon'ble High Court of Jammu & Kashmir feeling aggrieved by the order of suspension. The SWP was disposed of directing the respondents to review the suspension. On such review, the applicant was reinstated, through order dated 06.06.2013. He made a representation to the respondents with a request to release the difference of salary that was paid to him during the period of suspension and for increments that were denied to him between 2009 and 2013. When that was not acceded to, he filed SWP No. 2448/2013 with a prayer to release the component of 25% of his salary, four increments and other allowances.

2. The applicant contends that once he was reinstated into service in compliance of the orders of the Hon'ble High Court, the benefits, referable to that period, are required to be extended.

3. The SWP has since been transferred to the Tribunal in view of the reorganization of the State of Jammu & Kashmir and renumbered as TA No. 494/2021.



4. The TA was listed earlier but there was no representation for the applicant. Today also, there is no representation for the applicant. We requested Mr. Rajesh Thappa, learned Deputy Advocate General to ascertain the status of criminal case.

5. Today, it is reported that the criminal case is still pending. The suspension of the applicant was on account of his involvement in the criminal case. The manner in which the period of suspension must be treated, can be decided only when the criminal case ends up in favour of the applicant. As long as the criminal case is pending or if it is decided against him, the relief or allowances, referable to that period, cannot be claimed

as a matter of right. The applicant has to await the disposal of the criminal case.

6. We, therefore, dismiss the T.A., leaving it open to the applicant to claim the relief depending upon the outcome of the criminal case. There shall be no order as to costs.



(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

March 24, 2021
/sunil/mbt/vb/ankit/