

HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU

SWP No. 2866/2016
MP No. 01/2016

Date of decision:-29/12/2016

Mohammad Tahir Mirza. Vs. State of J&K and ors.

Coram:

Hon'ble Mr. Justice Ramalingam Sudhakar, Judge

Appearing counsel:

For the Petitioner (s) : Mr. N.D.Qazi, Advocate.
For the respondent(s) : Mr. Ravinder K.Gupta, AAG vice
Mr. Rohit Kappor, AAG.

i) Whether approved for reporting in NET.	Yes.
ii) Whether approved for reporting in Digest/Journal.	No.

1. The petitioner has filed the writ petition for the following relief:-

“i) Commanding upon the respondent No. 1 to consider the representation of the petitioner with regard to the revocation of suspension order dated 27.01.2011 and subsequent suspension order dated 11.12.2012 under Rule 31 (3) of the Jammu and Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956 keeping in view the law laid down by the Supreme Court in case titled *Ajay Kumar Choudhary V/s Union of India and ors.*

ii) Further commanding upon the respondents to re-instate the petitioner w.e.f. 27.01.2011 i.e. from the date of suspension and treat the period of suspension as on duty i.e. the period commencing from 27.01.2011 and accordingly direct the respondents to release the salary and allied benefits to the petitioner w.e.f. 27.01.2011 as the order of suspension cannot sustain for long period of four years in light of the judgment of the Hon'ble Apex Court of the country in case titled “*Ajay Kumar Choudhary V/s Union of India*”.

iii) Any other which this Hon'ble Court may deems fit under the facts and circumstances of the case may be passed in favour of petitioner and against the respondents.”

2. Learned counsel for the petitioner states that the case of the petitioner may be considered for revocation of his suspension on the ground that after placing the petitioner under suspension, the respondent have not served charge sheet upon him. Therefore, the petitioner moved a representation dated 09.09.2015 but that has not been accorded consideration.

3. Mr. Ravinder Gupta, learned Additional Advocate General appearing for the respondents stated that the authority will according consideration to the representation of the petitioner.

4. In view of the above, the writ petition is disposed of with a direction to the petitioner to submit a copy of the aforesaid representation along with copy of this order to the respondents within a period of four weeks and the respondent-authority is directed to accord consideration to the same, within a period of six weeks thereafter.

5. Writ petition is disposed of as above.

(Ramalingam Sudhakar)
Judge

Jammu,
29.12.2016
Tilak, Secy.

This document was created with Win2PDF available at <http://www.win2pdf.com>.
The unregistered version of Win2PDF is for evaluation or non-commercial use only.
This page will not be added after purchasing Win2PDF.