

**Government of Jammu and Kashmir**  
**Jal Shakti Department**  
**Civil Secretariat, Jammu/Srinagar**

Subject:- OA No. 666/2020 titled Gh. Nabi Zargar Vs State & others.

**Government Order No. 119-JK (JSD) of 2023**  
**Dated:- 29.05.2023**

1. Whereas, Sh. Gh. Nabi Zargar filed an application under Section 19 of the Administrative Tribunal Act, 1985 bearing OA No. 666/2020 before the Hon'ble Central Administrative Tribunal at Jammu and sought the relief against the respondents to treat the period of suspension w.e.f 11.09.1998 to 10.07.2003 as on duty in 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 ;and

2. Whereas, petitioner further sought relief from the Hon'ble CAT to work out and release all the benefits due to the petitioner for the period he remained suspended. Besides, the respondents be directed to process and release all the retiral benefits in favour of the petitioner and to confirm the petitioner against the post of Assistant Executive Engineer and Executive Engineer from the date petitioner was holding the said post; and

3. Whereas, the Hon'ble Central Administrative Tribunal at Jammu upon considered of the matter was pleased to dispose of the case on 04.09.2020, with the following directions:-

**"List on 22.12.2020. Meanwhile, respondents are directed to release the retiral benefits to the applicant in accordance with rules and regulation governing the disbursement or retiral benefits."**

4. Whereas, the case was examined in the Department in light of directions passed by the Hon'ble Central Administrative Tribunal, it has been found that during the posting of the applicant in the Power Development Department as Assistant Engineer, an FIR No. 01/1997 was registered under section 5(2) of the Prevention of Corruption Act read with other sections of Ranbir Penal Code in the Police Station Vigilance Organization, Kashmir (Now Anti Corruption Bureau) against the applicant alongwith other officers/officials: and

5. Whereas, the Power Development Department vide Government Order No. 395-PDD of 1998 dated 11.03.1998 placed the applicant alongwith other Officers/Officials under suspension with immediate effect. However, the applicant alongwith other Officers/Officials were re-instated vide Government Order No. 125-PDD of 2003 dated 10.07.2003 subject to the condition that the period of suspension shall be decided after the conclusion of Court proceedings pending against the applicant; and

6. Whereas, in the said FIR, a Challan was filed before the Court of Competent Jurisdiction and the criminal proceedings in the said FIR are still pending in the Hon'ble Court. In the meantime, the applicant got superannuated from his service on 31.03.2019 as 1/c Executive Engineer; and

7. Whereas, the applicant in his Original Application has relied upon the different Consideration Orders passed by the General Administrative Department, wherein the period of suspension was decided and as such, the Department took up the matter with the GAD for opinion; and



8. Whereas, the GAD returned the case with the following advice-

**"The Department is informed that the petitioners are only entitled for provisional pension in terms of Article 168-D of J&K CSR, 1956 and the period of their suspension cannot be decided unless the criminal proceedings are closed by the Trial Court."**

9. Whereas, in light of the opinion conveyed by the GAD, the case was examined in the Department and the claim of the petitioner was found devoid of rules and was considered with due deference to the order dated 04.09.2020 passed by the Hon'ble Central Administrative Tribunal in O.A No. 61/666/2020, titled Gh. Nabi Zarga Vs U.T of J&K & Ors and was found to be bereft of any merit for the aforesaid reasons and was accordingly rejected vide Govt order No. 234-JK(JSD) of 2020 dated 30.12.2020; and

10. Whereas, Hon'ble CAT on 28.04.2021 while considering the case and disposed of the case with the following direction, the operative portion of which reads as under:-

**"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 with effect from 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. It is made clear that we have not entered into the merits of the case."**

Now therefore, with due deference to the order dated 28.04.2021 passed by the Hon'ble Central Administrative Tribunal in O.A. No. 666/2020 titled Gh. Nabi Zargar Vs State & Ors, the claim of the petitioner, having been considered in light of the rules and advice of the GAD, on being found devoid of any merit, is accordingly, rejected.

**By Order of the Government of Jammu and Kashmir.**

Sd/-

(Shaleen Kabra) IAS

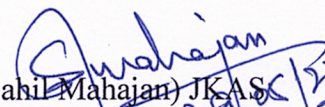
**Principal Secretary to the Government  
Jal Shakti Department**

No. JSD-LS02(1)/47/2021-O/o DLR- PHE,I&FC(C No. 27931)

Dated:- 29.05.2023

Copy to the:-

1. Joint Secretary (J&K), Ministry of Home Affairs, Government of India, New Delhi.
2. Chief Engineer, I&FC, Kashmir.
3. OSD to Advisor (B) to the Hon'ble Lieutenant Governor.
4. Applicant
5. Private Secretary to the Principal Secretary to the Government, Jal Shakti Department.
6. I/c Website.
7. Government Order file (w.2.s.c.).

  
(Sahil Mahajan) JK IAS

**Under Secretary to the Government  
Jal Shakti Department**