

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

WP (C) No. 717/2025

CAV No. 446/2025

Uploaded on: 16.10.2025

**1. Union Territory of J & K
Through Commissioner/Secretary to
Government Department of Food Civil
Supplies and Consumer Affairs
Government of J & K
Jammu/Srinagar.**

**2. Director Department of Food Civil Supplies
and Consumer Affairs, Jammu**

**3. Assistant Director,
Department of Food Civil Supplies and
Consumer Affairs, Reasi**

....Applicant(s)/Petitioner(s)

Through :- Mr. Sumeet Bhatia, GA

v/s

**Chamel Singh
S/o Late Thakur Ganga Ram
R/o Village Thakrakot
Tehsil Mahore & District Reasi**



.....Respondent(s)

**Through :- Mr. Rakesh Sharma, Advocate
Mr. Achal Sharma, Advocate**

**CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE**

ORDER(ORAL)

15.10.2025

Sanjeev Kumar 'J'

1. Impugned in this petition, filed by the Union Territory of Jammu and Kashmir and two others, is an order and judgment dated 07.11.2024, passed by the Central Administrative Tribunal, Jammu Bench at Jammu [“the Tribunal”] in TA No. 9096/2020 titled “Chamel Singh vs. State of

J & K and Others, whereby the Tribunal has allowed the OA of the respondent and quashed the recovery notice dated 24.08.2024 and a direction was issued to refund the amount recovered within a period of two weeks.

2. The judgment impugned is challenged by the petitioners on the ground that the Tribunal has not appreciated that the respondent was guilty of misappropriating a huge quantity of grains and sugar worth more than 20 lakhs and, that, he was put on several notices to explain his position, but he did not respond and remained absconding from duty. The impugned judgment is also challenged on the ground that the losses were established during a detailed enquiry conducted by the enquiry officer in the year 1999 itself and, therefore, no amount of opportunity given the respondent would have changed the position.
3. Having heard learned counsel for the parties and perused the material on record, we are of the considered opinion that the view taken by the Tribunal to the extent that respondent was condemned unheard cannot be found fault with. From the perusal of the material on record, it transpires that vide Office Order No. 294-CAPD of 2004 dated 23.08.2004, on the basis of an enquiry conducted by the petitioners 2 & 3 and submitted to the Administrative Department vide communication dated 14.07.2004, a shortage of Rs. 27.68 lakhs were detected against the respondent and, accordingly, he was placed under suspension with immediate effect. Vide Government Order No. 20-CAPD of 2004 dated 19.03.2004, one Sh. Mahmood Rana, Deputy Director (Adm.) CAPD, Jammu was appointed as an Inquiry Officer to conduct enquiry against the respondent for

misappropriation of grains. The Inquiry Officer conducted the enquiry against the respondent and established the misappropriation alleged. It is on the basis of enquiry report, submitted by the said Inquiry Officer, the recovered notice impugned in the OA was served upon the respondent and some amount was recovered from his dues.

4. From reading of the enquiry report, it transpires beyond any reasonable doubt that the Inquiry Officer relied upon the earlier proceedings that had taken place in the year 1999 and the other fact finding enquiries conducted by the department from time to time. However, no formal charge-sheet was served upon the respondent nor any enquiry after associating him in the matter was conducted. This is how the Tribunal has come to the conclusion that the enquiry was an ex parte and without affording an opportunity of being heard to the respondent.
5. We see no reason or justification to come to a different conclusion, for the enquiry report submitted by the Inquiry Officer appointed in terms of Government order dated 19.03.2024 (supra) is self-speaking. The judgment of the Tribunal insofar as it quashes the recovery notice being issued in violation of principles of natural justice cannot be found fault with, however, petitioners are required to be given liberty to conduct fresh enquiry in the matter in accordance with law and conclude the same after giving adequate opportunity to the respondent to defend.
6. For the foregoing reasons, this petition is partially allowed, the impugned order passed by the Tribunal is though upheld yet we leave it open to the petitioners to conduct fresh enquiry to establish alleged recoveries against the respondent and in case petitioners decide to conduct such enquiry, the

same shall be conducted in accordance with law and after a reasonable opportunity to the respondent to defend.

(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

JAMMU
15.10.2025
Manik

Whether this order is reportable: Yes/No

Whether this order is speaking: Yes/No

