

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

WP (C) No. 1323/2025

Date of Pronouncement: 28.01.2026.

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| <ol style="list-style-type: none"> 1. UT of J&K through
Commissioner/Secretary to Government,
Rural Development Department,
Civil Sectt. J&K At Jammu-180001; 2. Director Rural Development Department,
Jammu-180001; 3. Additional District Development
Commissioner, Jammu-180001; 4. Deputy Commissioner, Jammu-180001; 5. Block Development Officer, Block Bhalwal-
181122. | ...Applicant(s)/Petitioner(s) |
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Through :- Mr. Raman Sharma, Sr. Advocate (AAG) with Ms. Jagmeet Kour, Advocate v/s Mool Raj Raina Age: 56 years S/o Sh. Krishan Dutt Raina, R/o H. No. 380, Sector-02, Roop Nagar, District Jammu.		...Respondent(s)
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Through:- Mr. Ajaz Chowdhary, Advocate

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

ORDER(ORAL)

Sanjeev Kumar-J

1. This is a petition, filed under Article 226 of the Constitution of India, by the petitioners challenging an order and judgment dated 31.12.2024 passed by the Central Administrative Tribunal, Jammu Bench, Jammu ["the Tribunal"] in OA No. 1506/2023 titled "*Mool Raj Raina Vs. UT of J&K and others*", whereby the Tribunal has allowed the OA of the respondent and quashed the order of suspension dated 16.05.2023. The

impugned order of suspension has been quashed by the Tribunal, primarily on the ground, that the disciplinary authority had failed to conclude the disciplinary proceedings within a period of six months. The Tribunal has placed reliance on the principle laid down by the Hon'ble Supreme Court in case of "***Prem Nath Bali Vs. Registrar, High Court of Delhi***", (2015) 16 SCC 415.

2. The impugned judgment is challenged by the petitioners on multiple grounds, however, during the course of arguments, it is brought to our notice that a similarly situated person, namely Farooq Ali, who was also a Panchayat Secretary at Block Mathwar, Jammu and was placed under suspension under similar set of circumstances, has been reinstated and his order of suspension was reviewed by the Directorate of Rural Development Department Jammu vide order No. 27-DRDJ of 2025 dated 07.01.2025.
3. It is not in dispute that the respondent is similarly situated with Mr. Farooq Ali who also placed under suspension under similar charges of retaining official files at his residence, which were seized by the police party. Under a similar set of allegation against the respondent who, too, was serving as Secretary Panchayat at Block Mathwar, before his transfer to Block Bhalwal certain official records were seized by the police party from his possession. This action by the Police became the basis for placing the respondent as well Farooq Ali under suspension by way of two different orders issued on the same day, i.e., 16.05.2023. The case of Farooq Ali has been reviewed on the basis of enquiry report submitted by the Enquiry Officer and he has been reinstated. The

enquiry report with regard to the respondent herein is also the same with similar conclusion and, therefore, the case of the respondent herein ought to have been considered for reviewing his suspension along with Farooq Ali. This has not been done, probably for the reason that, the respondent is in litigation with the petitioners.

4. Be that as it may, we do not find any distinguishing factor in the case of respondent herein, who, in the given facts and circumstances, deserves to be treated on a par with Farooq Ali. Apart from the reasons given in the judgment impugned, we find that it would serve the ends of justice if the similar relief, as accorded to Farooq Ali, is extended to the respondent herein as well.
5. For the foregoing reasons, we find no justifiable reasons to interfere with the order impugned passed by the Tribunal. The quashing of the order of suspension of the respondent is fully justified and is in consonance with law. This petition is found to be devoid of any merit and, is accordingly, dismissed.
6. It is made clear that the dismissal of this petition and upholding of the order of the Tribunal shall not come in the way of the petitioners to hold the departmental/disciplinary enquiry against the respondent in accordance with law.

(Sanjay Parihar)
Judge

(Sanjeev Kumar)
Judge

JAMMU
28.01.2026
Rahul Sharma

Whether the order is speaking? : Yes/No

Whether the order is reportable? : Yes/No