

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

Date of Pronouncement: 04.03.2026

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WP(C) No.355/2026 CM No.887/2026

IMTIYAZ AHMAD MIR

...Petitioner/Appellant(s)

Through: Mr. Sheikh Faisal, Advocate.

Vs.

UT OF J&K AND OTHERS

...Respondent(s)

Through: Mr. Waseem Gul, GA.

CORAM:

HON'BLE MR JUSTICE JAVED IQBAL WANI, JUDGE

ORDER (ORAL)

04.03.2026

1. Upon coming of instant matter for consideration the counsel for the petitioner invited the attention of this Court to an enquiry ordered against the petitioner earlier in terms of order dated 16.10.2025 pertaining to the same set of allegations which have been relied upon by the respondents in the impugned order dated 20.02.2026 and that in the said enquiry, the enquiry officer in his report dated 04.02.2026 found the allegations against the petitioner without any basis and worthless. Copy of the Government order dated 16.10.2025 is taken on record.

2. Counsel for the respondents also produced the record in terms of previous order of this Court and would contend that no enquiry has been conducted so far against the petitioner herein in terms of order dated 20.02.2026, though an enquiry officer has been appointed and that the enquiry report dated 04.02.2026 has not been agreed upon by respondent 1 and instead a detailed report in terms of G.O No.307-PW(R&B) of 2025

dated 16.10.2025 has been sought from the enquiry officer besides seeking explicit findings regarding misconduct or otherwise of the petitioner. Counsel for the respondents would further submit that the same enquiry officer has been appointed for holding an enquiry against the petitioner in terms of order dated 20.02.2026 to enquire into the allegations against the petitioner particularly relating to the quality of macadamization, projects executed in Division City Roads during last two years and all related developmental projects executed under the supervision of the petitioner as Incharge Executive Engineer (Civil) Srinagar Municipal Corporation.

3. Be that as it may, seemingly the respondent 1 has been dissatisfied with the enquiry report submitted by the enquiry officer on 04.02.2026 with regard to the allegations levelled against the petitioner herein and that based on the same set of allegations, respondent 1 has now ordered holding of fresh enquiry besides, directing suspension of the petitioner herein.

4. Law is settled that that frequent resort to suspension should be undertaken, in that, placing under suspension affects morale in the service besides, putting unavoidable strain on public exchequer by way of subsistence allowance payable to the suspended employee.

It is also pertinent to mention here that in terms of the Government instructions appended with Rule 31 of the Classification Control and Appeal Rules, 1956, frequent resort to suspension has to be avoided being counter productive and also against the public exchequer and that public interest shall be guiding factor in deciding whether or not a Government servant should be placed under suspension or whether such action should be taken even while before *prima facie* case has been established and that if the purpose of keeping a Government servant without placing him under

suspension can be achieved by attaching him in any other office, such Government servant be not placed under suspension.

5. In view of above, a *prima facie* case for indulgence as also for grant of interim relief is made out.

Issue notice in the main as well as CM.

In the meanwhile, subject to objections and till next date, the operation of the impugned order dated 20.02.2026, insofar as it places the petitioner under suspension shall stay. However, holding of an enquiry against the petitioner herein shall proceed and for the said purposes, the petitioner be attached in the office of respondent 3.

Modification/alteration/vacation on motion.

6. At this stage Mr. Waseem Gul, GA, present, enters appearance, and accepts notice on behalf of respondents and submits that the issues involved in the instant petition are amenable to the jurisdiction of the Central Administrative Tribunal being a “service matter” which is being opposed by counsel for the petitioner.

7. Be that as it may, Registry is directed to transfer the instant petition to the Central Administrative Tribunal, Srinagar Bench, for adjudication.

Record produced by counsel for the respondents is returned back in the open Court.

Parties to appear before the Central Administrative Tribunal Srinagar Bench on 17.03.2026.

(JAVED IQBAL WANI)
JUDGE

SRINAGAR

04.03.2026

Ishaq

Whether the order is speaking ?
Whether approved for reporting ?

Yes/No
Yes/No