

GOVERNMENT OF JAMMU AND KASHMIR
SCHOOL EDUCATION DEPARTMENT
CIVIL SECRETARIAT, J&K, Jammu.

Subject: Treatment of suspension period of Sh.Satya Dev Singh, Retired I/C
Principal

Government Order No. 1049 - Edu of 2021

Dated. 23.06.2021

WHEREAS, an incident of wrong opening of sealed packet of English paper of ongoing HSP-II Examination (class-12th) private Bi-annual Session, 2018 Winter Zone Jammu Division instead of English paper of Secondary School Examination (Class-10th) Private, Bi-annual Session-2018 winter zone Jammu Division at Center No. 5102 constituted at HSS Batote, Ramban which was conducted on 24.03.2018, came into the notice of the Administrative Department;

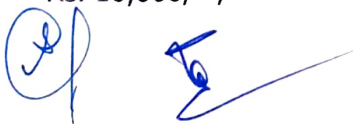
AND WHEREAS, it was reported that Superintendent of Center No. 5102 (constituted at HSS Batote, Ramban) of Secondary School Examination (Class-10th) Private, Bi-annual Session, 2018 Winter zone Jammu division wrongly collected the sealed packet of Question Paper of HSP-II Examination (Class-12th) Private, Bi-annual session, 2018 winter Zone Jammu Division from the Police Station concerned on 24.03.2018 and put his signatures on outer cover of sealed packet without ascertaining the contents printed on the sealed packet, whether the same was meant for ongoing Class-12th Examination or ongoing Class-10th Examination, Bi-annual session, 2018 Winter Zone, Jammu Division. The same sealed packet of paper was also signed by the Principal, HSS Batote Ramban (overall In-charge), Deputy superintendent along with the Supervisors of the said centre and they too had not ascertained the contents of the said sealed packet;

AND WHEREAS, the case was examined in the department and Mr. Satya Dev Singh Principal (overall In-charge) HSS Batote, Ramban alongwith other officials was placed under suspension vide Government Order No. 778-Edu of 2018 dated 26.06.2018;

AND WHEREAS, Article of Charges along with Statement of Imputations have been served to the said Principal through Director School Education, Jammu with the direction to submit written statement along with documentary evidence in his defense within 21 days from the date of issuance of the charge sheet; and

AND WHEREAS, the case was deliberated by the "Review Committee for Suspension" on 22.01.2019, and after thorough deliberations it was decided to re-instate Mr. Satya Dev Singh Principal (overall In-charge) HSS Batote, Ramban, with a penalty of deduction of one increment from overall salary of the retired officer along with fine of Rs. 10,000/=;

AND WHEREAS, sanction was accorded to the re-reinstatement of Mr. Satya Dev Singh, Principal (overall In-charge) HSS Batote, Ramban, with a penalty of deduction of one increment from overall salary of the retired officer along with fine of Rs. 10,000/=;



AND WHEREAS, Sh. Satya Dev Singh was placed under suspension three months before his retirement i.e. on 26.06.2018 along with four other staff members as during the examination of English subject for Bi-annual 10th class the superintendent of the centre wrongly opened the packet of question papers of English subject of 12th class;

AND WHEREAS, Applicant filed O.A 61/455/2020 before the Central Administrative Tribunal, Jammu seeking settlement of his pension case as the applicant has retired as Principal, Government Higher Secondary School, Batote on 30.09.2018 and even after 02 years of retirement his pension case is not settled;

AND WHEREAS, The suspension case of the applicant was settled on 16.04.2019 i.e. after 10 months of his suspension and the applicant retired while being on suspension i.e. 30.09.2018 and the reinstating authority had imposed penalty of 10000/- and deduction of one increment from his overall salary, but he has not given any finding with respect to treatment to be given to his suspension time period and this observation was raised by Accountant General, Jammu office vide letter dated 07.01.2020 to Chief Education Officer, Ramban by returning his pension case with the remark to intimate about the decision taken with regard to the treatment given to suspension period of the applicant i.e. from 26.06.2018 to the date of reinstatement i.e. 16.04.2019;

AND WHEREAS, The case was examined in the department and was accordingly placed before the "Review Committee for Suspension" on 22.01.2019 and after systematic discussions the committee decided to reinstate Mr. Satya Dev Singh, Principal HSS Batote, with a penalty of 10000/- and deduction of one increment from his overall salary and vide Government Order No. 163-GAD of 2019 dated 16.04.2019 the petitioner was reinstated with penalty and deduction of one increment from his overall salary along with fine of Rs. 10,000/-;

AND WHEREAS, the department received the order from CAT, Jammu Bench which states as below:

"Meanwhile the respondent No.1 is directed to take into consideration letter No. DSEJ/Gaz/8990 while deciding the case of the applicant for pension within earliest possible time."

AND WHEREAS, Administrative Department vide its letter No. Edu/Gaz-A/50/2019 dated 17.09.2020 followed by reminder dated 16.11.2020 requested, Directorate of school Education, Jammu to intimate that whether all those officers/officials who have been placed under suspension vide Government Order No. 778-Edu of 2018 dated 26.06.2018 including the petitioner have attended the duties during the period of suspension.

AND WHEREAS, Directorate, School Education, Jammu vide its letter No. DSEJ/Legal/9520-22 dated 10.03.2021 submitted the information of Chief Education Officer, Ramban vide letter No. CEO/R/21/19006 dated 10.03.2021 that the following officers/officials have attended/are attending their duties regularly and satisfactorily:

- i. Ravinder Singh, Master, HS Dhalwas, Ramban.
- ii. Durga Dass, Teacher, uPS Gadyara, Zone Batote, Ramban.
- iii. Romesh Singh, teacher, HSS Batote, Ramban.
- iv. Heena Islam, Techer, HSS Batote, Ramban.

AND WHEREAS, Directorate of School Education, Jammu vide above quoted communication has stated that in case on Mr. Satya Dev Singh, Ex-I/C principal HSS Batote, Ramban (now retired) was then attached in the Directorate of School Education, Jammu and accordingly the Administrative Department vide its communication dated 22.03.2021 requested the Director School Education, Jammu to furnish he information with regard to Mr.Satya Dev Singh, Ex-IC, Principal, Batote, Ramban and he was attached in the said directorate;

AND WHEREAS, Directorate of School Education, Jammu vide its letter No. DSEJ/Legal/11727 dated 23.03.2021 has intimated that Mr.Satya Dev Singh Ex-IC, Principal, Batote, Ramban has remained present in his office w.e.f. 30.06.2018 to 30.09.2018;

In view of the relevant Rule position governing placing of Government employee under suspension as per Jammu & Kashmir Civil Services (Classification, Control and Appeal) Rules, 1956 is reproduced as under:

"31. (1) The appointing authority or any authority to which it is subordinate or any other authority empowered by the Government in this behalf may place a Government servant under suspension where;

a) An inquiry into his conduct is contemplated or is pending; or

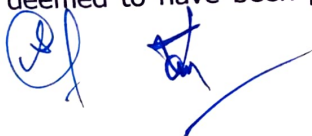
b) A complaint against him of any criminal offense is under investigation or trial.

(2) A Government servant who is detained in custody whether on a criminal charge or otherwise for a period longer than forty-eight hours shall be deemed to have been suspended by the appointing authority under this rule;

(3) An order of suspension under sub-rule (1) may be revoked at any time by the authority making the order or by any authority to which it is subordinate.

(4) Where a penalty of dismissal or removal from service imposed upon a Government servant under suspension is set aside in appeal or on review under these rules and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal or removal and shall remain in force until further orders.

(5) Where a penalty of dismissal or removal from service imposed upon a Government servant is set aside or declared or rendered void in consequence of or by a decision of a Court of law and the competent authority on a consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal or removal was originally imposed, the Government servant shall be deemed to have been placed' under suspension by the appointing authority from the



date of the original order of dismissal or removal 1. Sub-rules (4) and (5) inserted by SRO-31 dated: 31-1-1964. 64 and shall continue to remain under suspension until further orders.

Government instructions.-(i) An officer on suspension is entitled to ask that the matter should be investigated with reasonable diligence and charges should be framed within reasonable period of time and if such steps are omitted then it would imply that the authorities are vested with a total arbitrary and unfettered power of placing its officers under disability and distress for an indefinite duration. The suspension order is bad if it is not followed by charge sheet and enquiry within a reasonable time.

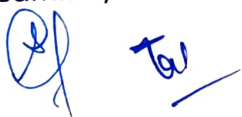
It has been observed that on occasions the power under the aforesaid rule is being invoked on unjustifiable grounds or on more suspicion of misconduct before prima facie case has been established.

It may be appreciated that frequent resort to suspensions even at slightest provocation is not only unwarranted but also counter productive. Besides affecting morale in the services it puts avoidable stain on the public exchequer by way of subsistence allowance for non-work done. Public interest should be the guiding factor in deciding whether or not a Government servant should be placed under suspension or whether such action should be taken even while the matter is under investigation and before a prima-facie case has been established. It is, therefore, imperative that the discretion vested in the authorities should be exercised with due care and caution after taking all the factors into account.

For example where continuance in office of a Government servant is considered likely to prejudice, investigation, trial or enquiry or his continuance is considered likely to subvert the discipline in the office in which he works, **the purpose can be achieved if he is transferred to some other station or office as the case may be rather than to place him under suspension.** Like-wise if such a Government servant would like to proceed on leave that might be 1. Inserted vide SRO-6i6 dated: 20-9-1978. 65 due to him and if the authority concerned thinks that such a step would not be in appropriate, there should be no objection to leave being granted instead of suspending him. Similarly, in case where a Government servant has unauthorizedly absented from duty, the proper course is to initiate action against him under article 128 of Jammu and Kashmir Civil Service Regulations and not to place him under suspension.

(2). Competent authorities should endeavor to have charge-sheet filed in Court, in case of prosecution, or served on the Government servant, in case of departmental proceedings within three months from the date of suspension. Cases in which this is not possible such authorities will 66 report to the next higher authority, explaining the reason for delay. The cases of Government servants under suspension should be reviewed by the competent authorities periodically to see that steps could be taken to expedite the progress of the court trial/departmental proceedings, so as to reduce the periods of suspension to barest minimum."

NOW, keeping in view, the report of the Directorate of school Education, Jammu, as well as the rule position on the subject the period of suspension in



favour of Sh.Satya Dev Singh, Ex-IN-charge Principal, w.e.f. 26.06.2018 to 30.09.2018 shall be treated as duty subject to the condition that he has regular attendance at his place of attachment i.e. Directorate of School Education, Jammu which shall be certified by the concerned controlling officer.

By order of the Government of Jammu and Kashmir.

Sd/-

(B.K. Singh) IFS,


Principal Secretary to the Government,
School Education Department

Dated 23.06.2021

No. Edu/L/CAT/45/2020/Part file

Copy to the:-

1. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
2. Director School Education, Jammu.
3. OSD to Advisor (B) for information of the Hon'ble Advisor.
4. Secretary, J&K Board of School Education, Jammu for information.
5. Pvt. Secretary to Commissioner/Secretary to the Government, School Education Department.
6. I/c website, School Education Department
7. Government Order file (w.2.s.c).


(Mukhtar Ahmad) KAS,
Deputy Secretary to the Government.

