

News

Twenty-five years after being fired, CAT Jammu offers relief to a former prison warden.



The jail administration came under fire from the CAT for protracted appeal and review procedures that lasted for years without a proper result.

A 25-year-old discharge decision that had ended a jail official's employment was recently overturned by the Central Administrative Tribunal (CAT), Jammu Bench, which determined that it had been issued in flagrant breach of both service regulations and constitutional protections [**Jahangir Khan v/s State**].

The tribunal bench, which was made up of **Pragya Sahay Saksena** (administrative member) and **Sanjeev Gupta** (judicial member), determined that there were numerous procedural

violations throughout the entire process that resulted in Jahangir Khan, a former jail warden, being fired.

Khan could not be brought back into duty at this point since he had attained retirement age.

As a result, the CAT ordered the Jammu and Kashmir government to give Khan all of his retirement benefits, including his pension, and 50% of his back salary for the time he was out of duty within two months.

Khan had not provided evidence that he was not working elsewhere following his termination of duty, the panel reasoned. Therefore, it only ordered 50% of the back wages to be paid instead of the full amount.

Over the past 25 years, the matter has been pending adjudication. The June 6 ruling stated, *"The applicant is not entitled to full back wages, but the relief of back wages in favor of the applicant can be restricted to 50%. The applicant has not pleaded in the T.A. or placed any material on record to show that he was not gainfully employed after his service was discharged."*

On August 28, 1980, Jahangir Khan began working in the J&K Prisons Department as a Warden. In 1994, he was promoted to Selection Grade. His wife filed a complaint in 1999 while he was assigned to the District Jail in Kathua, claiming that he had entered into several marriages without the approval of the government.

According to the J&K Civil Services (Classification, Control and Appeal) Rules, 1956 and the J&K Employees (Conduct) Rules, 1971, Khan was summarily released from service on February 16, 2000, by the Additional Director General of Prisons, J&K, without conducting a formal investigation or sending a show-cause notice.

In 2000, Khan filed a writ case in the J&K High Court, contesting the discharge for the first time. The court suggested that Khan contact the relevant appeal body. Even after specific court directives in 2000 and again in 2011 to reach a resolution in a timely manner, no decision was made despite filing an appeal with the appellate authority and making multiple representations.

Khan was forced to go to court several times as a result of this, including in 2012 when he filed a contempt petition. Before the case was taken to the CAT in 2021, he ultimately

petitioned the High Court once more for relief in 2013.

In violation of natural justice principles and statutory protections guaranteed by Article 311 of the Indian Constitution, Section 126 of the former J&K Constitution, and Rule 33 of the J&K Civil Services (Classification, Control and Appeal) Rules, 1956, the tribunal observed that Khan's termination had been carried out without carrying out a proper departmental inquiry.

The panel also chastised the prison administration for their indolent behavior, pointing out that Khan had to go to the High Court a third time in 2013 after the case had been dragged on for years.

"The act of Respondent No. 2 shows that in an arbitrary manner, in violation of directions given by the Hon'ble High Court in SWP No. 210 of 2000, the appeal filed by the applicant was not disposed in a time bound manner and the matter dragged for years together, even after appointing, a new inquiry officer in the year 2004 ... greater sympathy and compassion should have been shown in considering the disposal of representation/ appeal filed by the applicant, in the inquiry, but the matter was dealt by the respondents with a lackadaisical approach, which has caused a serious prejudice to the applicant," the court stated.

The tribunal went on to rule that Khan's February 2000 discharge decision was unlawful and unwarranted.

The ruling declared that the discharge order was vitiated due to the failure to adhere to the mandatory rules and principles of audi alteram partem.

Advocate Aseem Sawhney represented Khan.

Deputy Advocate General Hunar Gupta represented the respondent-authorities.