



**UNION TERRITORY OF JAMMU & KASHMIR  
DIRECTORATE OF HEALTH SERVICES, JAMMU**

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Subject:-O.A. No. 61/89/2022 titled Mahinder Singh Vs UT  
of J&K &Ors.

**ORDER**

Whereas, the applicant in the above titled original application has sought directions, inter-alia, to command the respondents to treat the applicant as on duty during the period of his suspension and accordingly to give the promotion and increment and to command the respondents to release the arrears of salary for the period of suspension and pension after giving all the benefits by calculating the salary as per rules after considering the period of suspension as qualifying service for calculating pension and other benefits and command the respondents to scrutinize the period of service book from 04-02-1963 to 30-04-1994 to ascertain whether the applicable yearly increments were released in favour of the applicant.

And whereas, the applicant in the Original Application has claimed that the applicant was appointed as Dawasaz in the year 1961 and thereafter as Dental Technician in the Department of Health in the year 1963. That in the year 1973 a case was registered against the applicant under section 307/452/353 RPC and consequent there upon the applicant was placed under suspension. However, the applicant was acquitted by the Ld. City Magistrate vide judgment dated 19-06-1976. The applicant during the

period of suspension was transferred from PHC Akhnoor to District Hospital Rajouri and after few months he was transferred to Govt. Hospital Gandhi Nagar, Jammu. The applicant after attaining the age of superannuation was retired after successful completion of his services from Govt. Hospital Gandhi Nagar, Jammu in April, 1994 but neither subsistence allowance during the period of suspension was paid to the applicant nor, after the acquittal, other service benefits for the period of suspension were restored in favour of the applicant.

And whereas, the Hon'ble Central Administrative Tribunal, Jammu Bench has disposed of the subject captioned Original Application, on 02-02-2023, with the judgment/order whose operative portion reads as under:-

*“Looking to the limited prayer made by the learned counsel for the applicant, we dispose of the O.A. with direction to the respondents to treat the O.A. as representation of the applicant and dispose of the same by passing a reasoned and speaking order within a period of six weeks from the date of a certified copy of this order. A copy of the order shall be given to the applicant.”*

And whereas, the case of the applicant has been examined and sought out that the applicant almost after twenty eight years of his retirement has filed this application claiming that his suspension period has not been settled which is time barred and is not maintainable on the grounds of delay and laches.

And whereas, the General Administration Department has issued a Circular No:-41-JK (GAD) of 2021, dated 06-10-2021 wherein it has been observed that in service matters, applications/claims are being presented by a

Government Servant to competent authorities for consideration after delay of a considerable period of time and such stale claims are not legally tenable and are not required to be entertained by the concerned department as per the law laid down by the Hon'ble Supreme Court of India in following judgments.

1. *State of Uttranchal and another Vs Shri Shiv Charan Singh Bandari and others, 2013(6) SLR 629.*
2. *C.Jacob v. Director Geology and mining and another, (2008) 10 SCC 115.*
3. *Union of India and others v. M.K. Sarkar (2010) 2 SCC 59.*
4. *Karnatak Power Corpn. Ltd through its Chairman & Managing Director V.K. Thangappan and another, (2006) 4 SCC 396*
5. *State of Orissa V. Pyarimohan Samantaray, (1977) 3 SCC396 and State of Orissa v. Arun Kumar Patnaik (1976) 3 SCC 137.*
6. *State of T.N. vs Seshachalam, (2007) 10 SCC 137.*
7. *Bal Krishan vs State of Punjab and others, 2013(2) RSJ 18 (P&H).*
8. *Vijay Kumar Kaul and others vs. Union of India and others, 2012(7) SCC 610.*
9. *State of Jammu & Kashmir vs. R.K. Zalpuri and others 2015(15) SCC 602.*

And whereas, accordingly, it has been enjoined upon all the Administrative Departments not to entertain any such claims which are time barred. As such in view of the

above stated position of law the claim projected by the applicant in the Original Application is without any merit.

Now, therefore, the case of the applicant has been accorded consideration, in due deference to Hon'ble Central Administrative Tribunal orders and found devoid of merit, in view of the above stated factual position, hence rejected.


Sd/-  
(Dr.Rajeev K. Sharma)  
Director Health Services  
Jammu

No:-DHSJ/Legal/9915-20

Dated: - 04 /10/2023

Copy to the:-

1. Medical Superintendent, Govt. Hospital, Gandhi Nagar Jammu for information.
2. Chief Medical Officer, Udhampur/Rajouri for information.
3. Private Secretary to Principal Secretary to Govt., Health and Medical Education Department, Civil Secretariat, Jammu for information.
4. I/C Official website, DHS, Jammu to upload the order.
5. Jasvir Kour W/O Lt. Mahinder Singh R/O H.No. 270, Lane No. 02, Sector No. 11, Nanak Nagar, Jammu for information.

  
(Dr.Sanjay Sharma)  
Dy. Director (Dentistry)  
Health Services, Jammu