



Central Administrative Tribunal Jammu Bench, Jammu

T.A. No.5933/2020
(S.W.P. No.413/2011)

Tuesday, this the 8th day of December, 2020

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A. K. Bishnoi, Member (A)**

1. Ab. Majeed Bhat Age 34 years, S/o Ab. Jabar Bhat, R/o Bharabad Khomina Tehsil Sonawari

...Applicant

(None for applicant)

Versus

1. State of J&K through Commissioner Secretary Home/Police Department J&K Civil Secretariat Sgr/Jammu.

2. Director General of Police Kashmir.

3. Commandant IRP 6th Battalion Rajouri.

4. Commandant IRP 7th Battalion Baramulla.

...Respondents

(Mr. Rajesh Thapa, Deputy Advocate General)

O R D E R (ORAL)

Mr. Justice L. Narasimha Reddy:

The applicant is working as Constable in the Indian Reserve Police (IRP), 6th Battalion, Rajouri. Stating that the applicant figured as an accused in FIR No.19 of 2004 in P.S. Trehgam (Kupwara), involving the offences under Sections 366/ 376 Ranbir Penal Code (RPC), the Commandant of the Battalion passed an order dated 05.04.2004 placing the applicant under suspension till disposal of the criminal case.



Challenging the said order, the applicant filed S.W.P. No.413/2011 before the Hon'ble High Court of Jammu & Kashmir at Jammu. No interim order was passed by the High Court.

2. In view of re-organization of the State of Jammu & Kashmir, the S.W.P. has since been transferred to this Tribunal and renumbered as T.A. No.5933/2020.

3. Today, there is no appearance on behalf of the applicant. We heard Mr. Rajesh Thapa, Deputy Advocate General, through video conferencing.

4. The applicant was placed under suspension way back on 05.04.2004. It is not known as to whether the applicant was convicted or acquitted in the criminal case. If he is convicted, that would naturally lead to imposition of penalty. If, on the other hand, he is acquitted, he needs to be reinstated. The applicant continued to be under suspension on account of there not being any interim order. We are of the view that the penalty of suspension cannot be decided at this stage.

5. We do not find any merit in this T.A. It is accordingly dismissed. There shall be no order as to costs.

(A K Bishnoi)
Member (A)
December 8, 2020

/sunil/dsn/sd/arun

(Justice L. Narasimha Reddy)
Chairman