

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO.: 436 of 1999.

Dated this Friday, the 31st day of March, 2000.

CORAM : Hon'ble Shri Justice R.G. Vaidyanatha, Vice-Chairman.
Hon'ble Shri B.N. Bahadur, Member (A).

M. R. Rohit,
Police Sub-Inspector,
ASP Office Dadra Nagar Haveli,
Silvassa - 396 230. ... *Applicant.*

(By Advocate Shri A.I. Bhatkar)

VERSUS

1. Administrator,
Union Territories of Daman,
Diu and Dadra Nagar Haveli,
Secretariate, Moti Daman.
2. Shri Manoj Kumar Lal,
Asstt. Inspector,
General of Police,
Daman, Diu and Dadra Nagar
Haveli, Daman. ... *Respondents.*

(By Advocate Shri V. S. Masurkar)

OPEN COURT ORDER

PER : Shri R. G. Vaidyanatha, Vice-Chairman.

This is an application filed by the applicant challenging the order of suspension dated 04.05.1999. We have heard the Learned Counsel appearing on both sides regarding admission.

2. The only prayer in the O.A. is that the order of suspension dated 04.05.1999 should be quashed and the applicant should be paid full salary and allowances for the period of suspension. Today, when we took up the matter for hearing regarding admission, both counsel admitted and brought to our notice that the order of suspension has been revoked on 06.08.1999, during the pendency of the O.A. The Learned Counsel

for the applicant gives a xerox copy of the order of revocation of suspension, which is now taken on record. In view of the subsequent event which has occurred during the pendency of the O.A., the main prayer in the O.A. for immediate revocation no longer survives for consideration.

The other prayer in the O.A. is that the applicant is entitled to full salary and allowances for the period of suspension. According to rules, the disciplinary authority has to decide as to how this period is to be treated. We are also told that departmental enquiry is pending. In the circumstances, we direct the Disciplinary Authority to pass an order at the earliest as to how the period of suspension will be treated and whether the applicant is entitled to full salary and allowances for that period, which he has to decide by issuing a show cause notice to the applicant as per rules. In case any adverse order is passed by the Disciplinary Authority or the competent authority, the applicant can challenge the same according to law.

3. In the result, the O.A. is disposed of at the admission stage subject to the observations mentioned above. No order as to costs.

B.N. Bahadur
(B.N. BAHADUR)
MEMBER (A). :.

R.G. Vaidyanatha
(R.G. VAIDYANATHA)
VICE-CHAIRMAN.

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