

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION No.1001/99

Dated this Friday the 5th Day of January, 2001.

Coram : Hon'ble Shri B.N. Bahadur, Member (A)
Hon'ble Shri S.L. Jain, Member (J)

Mr.A.M. Patel,
Forest Guest,
Forest Department,
SILVASSA - 396230.

.. Applicant.

(By Shri I.J. Naik, Advocate)

Vs.

1. Union of India, through
Secretary, the Ministry of Home
Affairs, Central Secretariat,
North Block,
New Delhi.
2. The Administrator,
Union Territory of
Dadra & Nagar Haveli,
Administrator's Secretary,
Circuit House, Silvassa.
3. The Collector,
Dadra & Nagar Haveli,
Silvassa.

.. Respondents.

(By Shri V.S. Masurkar, Advocate)

O R D E R (Oral)
[Per : B.N. Bahadur, Member (A)]

Learned Counsel on both sides are present and heard.
Since the facts in the case and the prayer are made in short
compass, the matter has taken up for disposal at the stage of
admission, with consent of both the sides.

2. The applicant was suspended on 9.10.1990 (a copy of Order is at Annexure A-1) in view of a criminal case against him.

...2...



Through an Order dated 19.2.1997 his suspension has finally been revoked. He has been posted as Range Forest Officer through an Order dated 20.3.1997, a copy which is at Annexure A-3.

3. Learned Counsel for the applicant argued that, while the applicant has been paid subsistence allowance as per the rules applicable, what he is claiming is full pay during that period, in view of the fact he has been acquitted in the criminal case.

4. At this stage considering the facts and circumstances of the case it would be appropriate for the applicant to make a representation first to the Government that the matter can be decided by the administration on merits and in accordance with rules and considering the facts and circumstances of the case.

5. Learned Counsel for the respondents agrees with this and states that the applicant's representation can be disposed of early.

6. Consequently, this case is disposed of with the following order:-

The applicant shall be at liberty to make representation to the respondents within a period of 15 days. If such representation is received in the stipulated time, the Respondents shall decide it on merits and in accordance with rules within a period not exceeding 2 months from the date of receipt of representation. No order as to costs.

7. Dasti.

S.L.Jain
(S.L. Jain)
Member (J)

B.N.Bahadur
(B.N. Bahadur)
Member (A). , 05/01/01

H.