

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH MUMBAI

ORIGINAL APPLICATION NO:1029.95

DATE OF DECISION:11.4.2000

Shri R.N.Upadhayay Applicant.

Shri G.S.Walia Advocate for
Applicant.

Versus

Dadra and Nagar Haveli, Silvessa and others. Respondents.

Shri R.K.Shetty alongwith Shri R.R.Shetty. Advocate for
Respondents

CORAM

Hon'ble Shri B.N. Bahadur, Member (A)

Hon'ble Shri S.L. Jain Member(J)

(1) To be referred to the Reporter or not? *No*

(2) Whether it needs to be circulated to other Benches of the Tribunal? *No*

(3) Library. *No*

B.N. Bahadur

(B.N. Bahadur)
Member (A)

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**CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.**

ORIGINAL APPLICATION NO: 1029/95

TUESDAY the 11th day of April 2000

CORAM: Hon'ble Shri B.N.Bahadur, Member (A)

Hon'ble Shri S.L.Jain, Member (J)

R.N.Upadhayay
Buckle No 258
Unarmed Police Constable,
Working under
The Administrator,
Union Territory of
Dadra and Nagar Haveli,
Silvassa.

...Applicant.

By Advocate Shri G.S.Walia.

V/s

1. The Administrator
Union Territory of
Dadra and Nagar Haveli,
Dept of Police
Silvassa.
2. Asst. Inspector General of
Police, Union Territory of
Dadra and Nagar Haveli
Dept of Police
Silvassa.
3. Development Commissioner
Union Territory of
Dadra and Nagar Haveli,
Silvassa.

...Respondents.

By Advocate Shri R.K.Shetty alongwith Shri R.R.Shetty.

O R D E R (ORAL)

{Per Shri B.N. Bahadur, Member (A)}

Heard both sides. The facts in this case are simple. The applicant, Unarmed Police Constable with Administration of Dadra and Nagar Haveli, Silvassa was suspended in 1994, in view of criminal case registered against him under 376 of IPC. The applicant is before us seeking reliefs for a direction to set aside the order of suspension and also seeks relief for the whole period of suspension being treated as on duty.



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2. The grounds on which the reliefs are sought are that the suspension is violative of Article 14 and 16 of the Constitution and also that the charges are not yet framed.

3. On the last date of hearing we enquired regarding the present status of the case, and also whether applicant continues under suspension. We are informed by Shri Ravi Shetty, Learned Counsel for the Respondents that he has received a Fax message from the Asstt. Inspr. General of Police, Daman, Diu and DNH, Daman which has been produced before us and is being kept on file as record. In this message, it is stated that two cases have been registered against the applicant Shri R.N.Upadhyay, one under section 376 and 506 IPC and another under the Prevention of Atrocities Act 1989. Both are challaned. The trial in both is over final judgement by the Sessions Court is awaited any time. We have heard counsel for both sides and do not find any reason to interfere in the matter. Even in the facts and circumstances of the case, the offence in which the applicant is charged are very serious. The matter is nearing final stage. No ground was made out in arguments, either, to convince us for any justification for interference in this case.

4. With regards to ^{and treatment} the ~~the~~ of period of suspension this is a matter that will have to be decided, as per law and Rules, by the Administration after the judgement in the criminal case is received and becomes final.

5. In consequence, this application is dismissed.

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

B.N.Bahadur
(B.N.Bahadur)
Member(A)