

ALLAHABAD BENCH

Review Application No.81 of 2000

In

xxxxxxx Diariy No.5326 of 2000

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

HON.MAJ.GEN.K.K.SRIVASTAVA, MEMBER (A)

Sirohi, R/o Subhash Nagar Gwalagali,

Bareilly.

(By Adv. Shri M.A. Mishra)

... Petitioner

Versus

1. Union of India through the Secretary
Ministry of Department of Defence
New Delhi.
2. Deputy Director General of
Military Farms Quarter Master
General's Branch West Block
II, R.K.Puram, New Delhi.
3. Head Quarter Central Command, Lucknow
4. Director of Military Farm H.Q's
Central Command, Lucknow.
5. Officer Incharge, Military Farm
Bareilly.

... Respondents

(By Adv: Shri R.C.Joshi)

ORDER

JUSTICE R.R.K. TRIVEDI, V.C.

We have heard Shri M.A.Mishra learned counsel for the applicant and Shri R.C.Joshi learned counsel appearing for the respondents. Copy of the review application has been given to Shri R.C.Joshi in court.

By this review application applicant has prayed for review of the order dated 22.11.2000 passed in Case Diary NBo.5326/2000. learned counse has submitted that under a wrong impression statement was made before this Tribunal that appeal has been filed by applicant and the same is pending before the Appellate

statement was diagnosed of with the

^{which was directed}
Authority to decide the appeal of the applicant. It is submitted that in fact no appeal was pending on the date of the order. Learned counsel for the applicant has also submitted that in fact appeal was filed against the order of suspension and not against the impugned order of compulsory retirement dated 30.9.1999.

Shri R.C.Joshi learned counsel for the respondents on the other hand submitted that as appeal was not pending order could not be complied with and the appeal if filed now it shall be highly time barred.

Considering the facts and circumstances, in our opinion applicant may, in the interest of justice, be given a chance to file appeal against the order of punishment retiring him compulsorily. The review application is accordingly disposed of finally with the liberty to applicant to file appeal within three weeks which shall be considered and decided by the Appellate Authority within three months in accordance with law. The order dated 22.11.2000 shall be treated modified to this extent.

Copy of this order shall be given within three days.


MEMBER(A)


VICE CHAIRMAN

Dated: 30.7.2001

Uv/