

(9)

CORAM : Hon'ble Mr. P.H. Trivedi .. Vice Chairman
Hon'ble Mr. P.M. Joshi .. Judicial Member

28/03/1989

Heard the petitioner in person and Mr. J.D. Ajmera learned advocate for the respondents. The petitioner says that a review petition has been filed in respect of reviewing our decision dated 4.4.1988 in O.A./172/88. The petitioner to consult the Registry and the Registry to ascertain whether such a review petition is filed or not and to report thereon. The petitioner also states that in case such a review petition is not filed, this petition be regarded as review petition. Learned advocate Mr. Ajmera also states that there would be barred against entertaining the petition regarding limitation. The case may be posted for hearing ~~the~~ of reviewing our decision dated 4.4.1988 in O.A./172/88 either arising from the review petition which said to have been filed or from the present petition which ^{> considered} may be ~~taken up~~ ^{> and so replied} as a review petition as the case may be on 13th April, 1989 for orders.

P.H. Trivedi
(P H Trivedi)
Vice Chairman

P.M. Joshi
(P M Joshi)
Judicial Member

*Mogera

R.A./12/89

in

O.A./172/88

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Coram : Hon'ble Mr.P.H.Trivedi : Vice Chairman
Hon'ble Mr.P.M.Joshi : Judicial Member

6/6/1989

The petitioner Party in Person present. He is a member of IPS cadre and the case was dismissed on account of want of jurisdiction of this Tribunal over Boarder Security Force ^{as} and ⁱⁿ not with the jurisdiction to ~~this~~ consideration. Mr.J.D. Ajmera has plead ^{ad} for rejecting this case as it is not open for our review.

~~As still~~ ^{As this} petition ~~was~~ filed after a considerable period, ^{after} of the impugned judgment. Secondly on an identical question the case is in the High Court and therefore, ^{it} ~~this~~ is not possible to take this case for consideration. The petitioner stated that he ^{has} is saying the reasons to justify before the Tribunal, ^{he would like to apply for condonation of delay} and therefore should be considered. We have earlier decided that OA/629/89 be treated as a review petition and ~~that~~ the application for condoning of delay. ^{and then} ~~It~~ may be placed for further order. The case be posted on 29th June 1989 for order.

P.H.Trivedi

(P.H.Trivedi)
Vice Chairman

P.M.Joshi

(P.M.Joshi)
Judicial Member

M.A./414/89
with
R.A./12/89
with
O.A./172/88

(W)

CORAM : Hon'ble Mr. P.H. Trivedi .. Vice Chairman
Hon'ble Mr. P.M. Joshi .. Judicial Member

29/6/1989

Heard petitioner in person and Mr. J.D. Ajmera learned advocate for the respondents. Obviously, the petitioner, the officer who belongs to Indian Police Services was on deputation to Boarder Security Force was erroneously regarded as a member of armed force to which jurisdiction of this Tribunal is not extended. Subsequently it was made clear that he belongs to All India Services in the cadre of Indian Police Service to which ^{the} the jurisdiction of this Tribunal is ~~extended~~. Although the petitioner was then represented by the advocate who failed to point out this fact. There is no doubt it is a manifest error. The petitioner has come before us after about ^{the} a period allowed to be filed for O.A. In the circumstances, after hearing the petitioner and learned advocate, we ~~xxxx~~ are satisfied that without treating this as precedent in the interest of justice, the case O.A./172/88 be restored in file and be placed for final hearing. Accordingly, M.A./414/89 and R.A./12/89 stand disposed of. The petitioner has undertaken to withdraw his case from another forum viz. The High Court of Gujarat and this order will be effected on ^{his} doing so and on filing a relevant statement on the same.

(P H Trivedi)
Vice Chairman

(P M Joshi)
Judicial Member