IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

~~XXXXXXXXXXXXXXXX~~

O.A. No. 172 OF 198 8

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DATE OF DECISION 11.3.1991

Mr.Jagjitsingh Petitioner

Mr.J.C.Sheth Advocate for the Petitioner(s)

Versus

Union of India and others Respondent

Mr.P.M.Raval Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. M.M.Singh : Administrative Member

The Hon'ble Mr. S.Santhana Krishnan : Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? No
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. Whether it needs to be circulated to other Benches of the Tribunal? No

MGIPRRND—12 CAT/86—3-12-86—15,000

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Mr. Jagdishsinh,
Retired D.I.G.,
Tuwa,
District: Panchmahals. ..... Applicant.

(Advocate: Mr. J.C. Sheth)

Versus.

The Union of India
through the Secretary,
Ministry of Home Affairs,
Grih Mantralaya,
Secretariate,
New Delhi. ..... Respondents.

(Advocate:Mr.P.S.Chapaneri for
Mr. P.M. Raval)

ORAL ORDER

O.A.No.172/88

Date: 11-3-1991

Per:Hon'ble Mr.M.M. Singh, Administrative Member.

This original application was filed on 9.3.1988 with prayer for relief that the respondents may be directed to fix the pension of the applicant on the basis of his last drawn salary applying mind to the facts of the case, reconsidering the stand taken by the respondents in as much as the pension fixed imposes an indirect penalty upon the petitioner for no fault of his and the decision on pension being arbitrary arrived at without giving opportunity of being heard.

2. A Bench of this Tribunal had rejected the application by order dated 4.4.1988 on the ground that the applicant was a member of Border Security Force which is an armed force and not within the jurisdiction of this Tribunal. The applicant then filed O.A.No. 629/88 on 12.9.88 praying for restoration of the

..... 3/-

original application. This O.A. 629/88 was, by this Tribunal's order dated 28.3.89, allowed to be converted as a Review Application and was accordingly given R.A.No. 12/89. A Bench of this Tribunal had, by order dated 29.6.1989, restored the application. This order also states that the petitioner has undertaken to withdraw his case from the High Court of Gujarat and that the order of this Bench will be effected on his doing so and on his filing a relevant statement on the same. Till today the applicant has filed no such statement. In between, the application was listed on 6.12.1989 when neither the applicant nor his advocate were present and on 21.2.1990 when also neither the applicant nor counsel were present. The application was rejected for default. M.A.64/90 was then moved for restoration of O.A.172/88. A Bench of this Tribunal in order dated 25.10.90, restored the application.

3. When the case is called out today, the applicant is again not present. No counsel representing him also present. From the above history of the applicants' case, it is evident that ample opportunity was given to the applicant in the past to comply with the orders of this Tribunal.

4. The application is therefore liable to be rejected for default and we order accordingly. There are no orders as to costs.

(S.Santhana Krishnan)
Judicial Member

(M.M. Singh)
Admn. Member