

BEFORE THEN CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH, NEW BOMBAY.

Transferred Application No. 420/87

Shri Mithailal

... Applicant

V/s.

Union of India & Ors.

... Respondents.

Coram: Hon'ble Member(A), Shri J.G.Rajadhyaksha,  
Hon'ble Member(J), Shri M.B.Mujumdar.

Tribunal's Order:

*Date - 13.1.1988.*

Writ Petition No.1738/81 had been transferred to this Tribunal and numbered Tr. Application No.208/86.

By the Tribunal's Orders dt. 13.9.1986 the matter was retransferred to the High Court of Judicature at Bombay, as the applicant was a member of the Railway Protection Force, an Armed Force of the Union.

By a judgment dt. 6th July, 1987 delivered by Justice H.Suresh, this matter has been sent back to the Tribunal for disposal. The reasons are:

- a) When the impugned order in the original Writ Petition was passed in 1980 and until those orders were set aside it could not be said that the applicant (Original Petitioner) was an existing member of the Armed Force.
- b) Secondly, a question was raised whether there was a legal provision for retransferring a matter from the Administrative Tribunal to the High Court.

Writ Petition No.1735/81 has been transferred to this Tribunal by a Judgment given by Justice H.Suresh of the Bombay High Court directing that Writ Petitions Nos. 1735/81 and 1738/81 should be sent back to the Central Administrative Tribunal for disposal.

...2.

Significantly, this Tribunal had not passed any orders retransferring the Original Writ Petition to the High Court in respect of Writ Petition No.1735/81. Yet that Writ Petition stands covered by the Judgment of Justice H.Suresh.

In the circumstances, it would be appropriate to issue notices to the parties in both these applications/ Writ Petitions calling upon them to appear before this Tribunal on 17.2.1988 when they can be heard and appropriate orders passed about hearing on merit etc. at that time.

Notices issued to all  
the respondents & Applicant  
on 13-1-88.

13/1  
(Applicant's notice  
given in hand delivery)  
himself)

Notice dt. 13/1/88 served  
on R. no. 1 on 19/1/88.

21/1/88

21/1

(J.G. RAJADHYAKSHA)  
MEMBER(A)

(M.B. MUJUMDAR)  
MEMBER(J).