

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

Transferred Application No. 421/87.

Shri S.N.Dubey,

...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 the  
all respondents & Applicants  
on dtd. 13-1-88.

*P. Jey*  
13/1/88

(Applicant notice given  
on hand delivery himself)

Notice dt-13/1/88 served  
on R.O. 2 on 15/1/88.

*P.*  
21/1/88

Notice dt-13/1/88 served  
on R.O. 1 on 19/1/88

(A.D. attached in Tr. 420/89)

*P.*  
21/1/88

*he*  
21/1

(J.G. RAJADHYAKSHA)  
MEMBER(A)

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