

**Central Administrative Tribunal
Principal Bench, New Delhi.**

**RA-04/2013 in
OA-3113/2011**

Reserved on : 08.01.2016.

Pronounced on :13.01.2016.

Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Mr. Shekhar Agarwal, Member (A)

1. Commissioner of Police,
Police Headquarter,
ITO, New Delhi.
 2. The Additional Commissioner of Police,
Armed Police, New Delhi. Review Applicants
- (through Sh. Amit Anand, Advocate)

Versus

Ved Paul,
S/o Sh. Randhir Singh,
R/o Village Pauli, Tehsil Julana,
Distt. Jind, Haryana. Respondent

(through Sh. Ravi Kant Jain, Advocate)

O R D E R

Mr. Shekhar Agarwal, Member (A)

This Review Application has been filed for review of our order dated
23.11.2012, the relevant part of which reads as follows:-

"10. It is relevant to note in this regard that recently at a function organized by Central Industrial Security Force (CISF), the Union Home Minister announced, as reported in Indian Express Newspaper dated 2nd November, 2012 at page 1, that the Government has agreed to grant retired paramilitary and central police forces the status of "ex-central police personnel", on par with the defence forces' "ex-servicemen", enabling them to avail of various benefits such as re-employment in Government sector and cheaper and better medical facilities and PMs scholarship scheme for education of their children. Thus besides the CISF, the beneficiaries will include personnel from the Border Security Force(BSF), Central Reserve Police Force (CRPF), Indo Tibetan Border Police (ITBP) and Sashastra Seema Bal (SSB).

11. In the aforesaid premises, the impugned order is quashed and set aside and the respondents are directed to re-instate the applicant forthwith with all consequential benefits. The respondents shall, however, have liberty in terms of para 14 of our order dated 25.2.2011 passed earlier in OA No.1836/2010. It will also be open to the respondents to take such other action as they deem appropriate in the light of the observations made hereinabove.

12. Accordingly the OA is allowed in above terms. No order as to costs."

2. Learned counsel for the review applicants submitted that the OA applicant was originally from BSF and could not have been treated as an ex-serviceman. This Tribunal committed an error apparent on the face of the record when relying on a newspaper report it allowed him to be treated as such. Review applicant has submitted that it is trite law that until and unless a Government notification is published, no reliance can be placed on the news item. Even the subsequent order dated 23.11.2012 passed by the Ministry of Home Affairs (page-19 of the paper-book) reveals that retired Central Armed Police Force personnel have been treated as "Ex-Central Armed Police Force personnel"(Ex-CAPF personnel) and not as Ex-Servicemen.

3. The respondent in review application has filed his reply in which he has stated that the review applicants have not pointed out any error apparent on the face of the record and were only trying to re-argue the case. He has also submitted that this Review Application has been filed after more than 30 days of the passing of the order dated 23.11.2012 and was, therefore, barred by limitation since the review applicants have not filed any application for condonation of delay either.

4. We have heard both sides and have perused the material placed on record. A perusal of the record reveals that the order dated 23.11.2012 was served on the review applicants (respondents in OA) only on 05.12.2012. They

have filed the Review Application on 03.01.2013. Thus, this application has been filed within the limitation period.

5. The review applicants have relied on the judgment of Hon'ble High Court of Punjab & Haryana in the case of **Jai Parkash Vs. State of Haryana and Others** (Civil Writ Petition No. 3801/2007) dated 06.07.2009 to say that reservation would be rendered meaningless if a candidate appearing in one category is allowed to compete in different categories. While we do not see how the judgment relied upon is relevant in this case, we find merit in the submission of the review applicants that the order in question was passed primarily relying upon a newspaper report published on 02.11.2012. This is evident from the order itself, which has been extracted above. We agree with the review applicants that no rights can accrue to anyone on the basis of newspapers report till a Notification of the Government is issued. Even the O.M. dated 23.11.2012 issued by the Ministry of Home Affairs pursuant to the announcement of Hon'ble Home Minister published in the Indian Express shows that retired personnel of Central Armed Police Force have not been treated as ex-servicemen but only as an Ex-Central Armed Police Force Personnel. We are, therefore, convinced that an error apparent on the face of the record has crept into our judgment dated 23.11.2012. Accordingly, we allow this Review Application, set aside the Tribunal's order dated 23.11.2012 and restore the OA for fresh hearing. The O.A. may be listed for hearing on 15.02.2016.

(Shekhar Agarwal)
Member (A)

(V. Ajay Kumar)
Member(J)

/Vinita/

