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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.2650/2001

NEW DELHI, on this the 10th day of January, 2003

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri V. Srikantan, Member (A)

Smt. Ganga Rani Bhatia
W/o of Late Shri K.B. Bhatia
R/o B-417, Sudershan Park, New Delhi-110015
....Applicant
(By Advocate : Shri D.R. Gupta)

Versus

1. Kendria Vidyalaya Sangathan,
through its, Commissioner,
Shaheed Jeet Singh Marg,
18, Institutional Area, New Delhi.

2. Assistant Commissioner,
Kendria Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-110016.

3. Principal,
Kendria Vidyalaya,
Shalimar Bagh, New Delhi.

....Respondents

(By Advocate : Shri S. Rajappa)

ORDER (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J) :

We have heard Shri D.R. Gupta, learned counsel for applicant and Shri S. Rajappa, learned counsel for the respondents.

2. A preliminary objection has been raised by the respondents that the OA is barred by limitation, as it has been filed only on 3.10.2001 in the Tribunal. However, Shri D.R. Gupta, learned counsel for the applicant has submitted that earlier her husband (deceased Govt. servant) had filed Suit No.267/1993 before the learned Senior Sub-Judge, Delhi and the same was filed for quashing certain disciplinary

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proceedings initiated against him by Memo dated 25.11.1978. He has further submitted that the ~~then~~ disciplinary proceedings ultimately resulted in the imposition of minor penalty of censure on the (deceased) Govt. servant - Shri K.B. Bhatia by order dated 18.11.1998. That order has been referred to in the impugned order issued by the respondents dated 9.7.2001.

3. Learned counsel further submits that he had made an application before the learned Senior Sub-Judge for transferring ~~the~~ Suit No.267/1993 to the Tribunal after the notification under Section 14 (2) of the Administrative Tribunals Act, 1985, was issued on 17.12.1998. By this notification, jurisdiction was transferred to the Tribunal w.e.f. 1.1.1999.

4. In the above facts and circumstances of the case, it is relevant to note the further submissions made by Shri D.R. Gupta, learned counsel for the applicant that he had instituted an application in Suit No.267/1993 before the learned Senior Sub-Judge, Delhi to transfer the case to the Tribunal, but the said Suit has still not been transferred to the Tribunal.

5. In the above facts and circumstances of the case, the present OA is not maintainable, as admittedly, according to the learned counsel for the applicant, similar issues have been raised in Suit No.267/1993, which ~~are~~ still pending before the learned Senior Sub-Judge, Delhi. If that is so, the present OA is not

maintainable in the tribunal. The provisions of Section 29 (2) of the Administrative Tribunals Act, 1985 are also relevant and generally, the records of the case/suit pending in any other court over which this Tribunal acquires jurisdiction are transferred. As the suit has not been transferred by the concerned Court to this Tribunal, therefore, we cannot take cognizance of the matter till the records of that suit are transferred. In the circumstances of the case, the matter can be looked into only after the records in the pending case are transferred.

6. In the result, for the reasons given above, as the O.A. is not maintainable, it is dismissed. No costs.


(V. Srikantan)

Member (A)


(Smt. Lakshmi Swaminathan)
Vice- Chairman (J)

‘Ravi’