

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
DELHI.

REGN. NO. OA 1610/87

3
February 8, 1988.

Shri Pushkar Nath Malla ... Applicant.

Vs.

Union of India ... Respondent.

CORAM:

Hon'ble Mr. Justice K. Madhava Reddy, Chairman.

Hon'ble Mr. Kaushal Kumar, Member.

For the applicant ... Applicant in person.

For the respondent ... Shri M.M.Sudan, counsel.

(Order of the Bench delivered by Hon'ble
Mr. Justice K. Madhava Reddy, Chairman).

This application under Section 19 of the
Administrative Tribunals Act, 1985, is by a former Head
Clerk of the Court of the District and Sessions Judge,
Delhi for refixing his salary in the scale of Rs.425-600
since 1.1.1973 and for giving him the scale of Rs.425-700
in subsequent grade. The applicant is thus a servant
of a Court subordinate to the Delhi High Court. In view
of the amendment in Section 2(c) of the Administrative
Tribunals (Amendment) Act, 1987 (No.51 of 1987), any
officer or servant of the courts subordinate to the High
Court is excluded from the purview of the Administrative
Tribunals Act. This Tribunal no longer has jurisdiction
to entertain the grievance of the applicant.

Having regard to sub-section (6) of Section 29
of the Administrative Tribunals Act introduced by the
said amendment, this matter will have to be transferred
from this Tribunal to a Court now having jurisdiction
over the matter. But whether this application should be
transferred to the High Court or to the Civil Court
is not clear from sub-Section (6) of Section 29 of the Act.

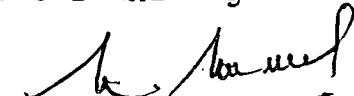
(A)

-:2:-

If the Tribunal were not constituted, the applicant had the option to file a Civil Suit in a Civil Court subordinate to the High Court or a Writ Petition in the High Court for the same reliefs. An application under Section 19 is neither a suit nor a petition under Art.226. In the circumstances, we direct that this application be transferred to the Registry of the High Court and the parties may appear before the Registrar of the Delhi High Court on 25.2.1988 for further orders as to posting.

The application is disposed of accordingly.

The records of the case be transmitted to the Registry of the Delhi High Court.

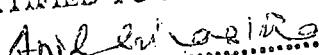


(Kaushal Kumar)
Member
8.2.1988.



(K. Madhava Reddy)
Chairman
8.2.1988.

CERTIFIED TO BE TRUE COPY



Date..... 24/1/88

(ANIL SRIVASTAVA)
Section Officer (I)
Central Administrative Tribunal
Principal Bench, Parkt House
Connaught Place, New Delhi