

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
DELHI.

REGN. NO. OA 1610/87

February 8, 1988.

Shri Pushkar Nath Malla ... Applicant.

Vs.

Union of India ... Respondent.

CORAM:

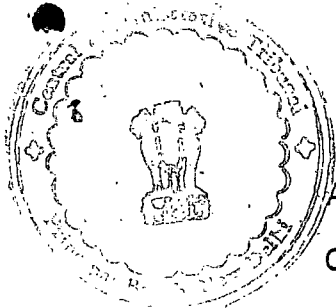
Hon'ble Mr. Justice K. Madhava Reddy, Chairman.

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 re-fixing 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.

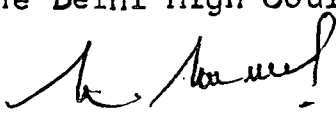
Having regard to sub-section (6) of Section 29 of the Administrative Tribunals Act introduced by the said amendment, this matter will have to be transferred from this Tribunal to a Court now having jurisdiction over the matter. But whether this application should be transferred to the High Court or to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


46.

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.

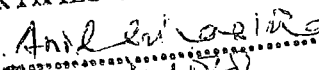
The application is disposed of accordingly.

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, Parliament House  
Connaught Place, New Delhi