

(A) (5)

Central Administrative Tribunal, Allahabad.

Registration O.A.No. 628 of 1986

Tej Pal Gupta Petitioner

Vs.

Union of India and another Respondents.

Hon. D.S.Misra, AM
Hon. G.S. Sharma, JM

(By Hon. G.S.Sharma, JM)

This application under Section 19 of the Administrative Tribunals Act has been moved for summoning the record of suit no.155 of 1985 disposed of by the II Additional Munsif Badaun on 12.9.1986 with the allegation that the whole record of the suit should have been transferred by the learned Munsif to the Tribunal and he committed an error by directing the return of the plaint to the plaintiff for presentation to the proper Court after holding that this case was triable by this Tribunal.

2. We have seen the copy of the order dated 12.9.1986 of the Munsif filed by the petitioner and feel that the learned Munsif was perhaps not aware of the provisions of Section 29 of the Administrative Tribunals Act XIII of 1985 which provides the transfer of such cases to the Tribunal by operation of law and

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the order for returning the plaint to the plaintiff passed in the case is, thus, liable to be ignored. Let the record of suit no.155 of 1985 - Tej Pal Gupta Vs. Union of India disposed of by the II Additional Munsif, Badaun on 12.9.1986 be summoned through the District Judge, Badaun for being heard by this Tribunal.

3. This application is disposed of accordingly.

[Signature]
11.2.1987
Member (A)

[Signature]
11.2.1987
Member (J)

Dated 11.2.1987
kkb

*letter written
under 9.10.83
on 12/2/87
cy*