

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

Transfer Application No. 2026 of 1987

( In C.A. No. 105 of 1986 )

Union of India ... ... Applicant

Versus

Sita Ram ... ... Respondent

Hon. Mr. Justice U.C. Srivastava, V.C.

Hon. Mr. K. Chayya, Member(A)

( By Hon. U.C. Srivastava, V.C. )

This appeal has been filed in the Central Administrative Tribunal against the judgment and decree passed by the Munsif I, Gorakhpur on 19.7.85. The Civil Court at Gorakhpur had no jurisdiction to entertain the aforesaid appeal no. 105/86, there was no question to transfer the same to the Central Administrative Tribunal for its adjudication as the appeal was not pending in the Civil Court on 2.11.85, the date from which the Tribunal has come into force as per Central Administrative Tribunal Act 1985.

2. The respondent filed a suit which was decreed and it was ordered by the Munsif I Gorakhpur that the respondent was entitled for the scale of Rs.260-400 as Goliath Crane Driver from 30.12.1983 and also directed

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payment of difference of wages as Mazdoor and Goliath Crane Driver. The suit was decreed ex parte, against the said order and the Union of India preferred an appeal in the month of September 28th, 1985 before the Court of District Judge, Gorakhpur which was defective and after coming into force of the Tribunal Act, the appeal was transferred to the Tribunal.

3. The respondent filed an objection in which it has been stated that the applicant was already promoted the respondent as Crane Driver in the scale of Rs.260-400/ 950-1500 w.e.f. 30.12.1983 in compliance with the judgment and decree passed by the Munsif I Gorakhpur and the appellant has already fixed the pay of the respondent with retrospective effect. The jurisdiction of the Tribunal in the appeal has come into force in the year 1985. In view of the fact that the decree was made effective by the union of India itself and no useful purpose is to be served in filing the appeal and accordingly the appeal became infreduous. As such no order as to the costs.

*Khurana*  
A.M.

*h*  
V.C.

Dated: 20th April, 1992

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