

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

No. T.A./13/1996  
CO 13980-W/93

Present : Hon'ble Mr. D. Purkayastha, Judicial Member

Hon'ble Mr. G.S. Maingi, Administrative Member

Md. Rafiuzzaman, son of Late Abdul Jabbar,  
at present posted and working as Deputy  
Commandant, State Armed Police, 2nd Battalion,  
West Bengal, Barrackpore, Post Office-Mangal  
Pandey Udayan, Police Station - Titagarh,  
District - 24 Parganas (North).

.... Applicant

- Versus -

1. Union of India, service through the Secretary, Government of India, Ministry of Personnel, Public Grievances and pensions, (Department of Personnel and Training), New Delhi.
2. The Secretary, Union Public Service Commission, Government of India, New Delhi.
3. The Secretary to the Government of India, Ministry of Home Affairs, New Delhi.
4. The Chief Secretary, Government of West Bengal, Writers' Buildings, Calcutta - 700 001.
5. The Secretary, Department of Home (Police), Government of West Bengal, Writers' Buildings, Calcutta - 700 001.
6. Mr. K.L. Tamta, I.P.S., Commandant, 2nd Battalion, State Armed Police, West Bengal, Barrackpore, 24 - Parganas (North).
7. Mr. H. Hariranjan, I.P.S., Commandant, 1st Battalion, E.F.R., Salua, Midnapore.
8. Mr. Shibaji Ghosh, I.P.S., Superintendent of Police, Malda, West Bengal.
9. Mr. Virinda, Commandant 4th Battalion, Kasba, South Dinajpur.
10. Mr. M.H. Verma, I.P.S., Deputy Commissioner II, Security Control, Lal Bazar, Calcutta.
11. Mr. S.K. Purkayastha, I.P.S., Deputy Commissioner (Detective Department) II, Lalbazar, Calcutta.
12. Mr. Sachin Sridhar, I.P.S., Superintendent of Police, Howrah, Post Office and District-Howrah.
13. Mr. Arun Gupta, I.P.S., Deputy Commandant, 5th Battalion, Calcutta.

.... Respon

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For the applicant(s) : Mr. S.K. Nandi, counsel

For the respondents : Ms. U.Sanyal, counsel (Resptt. No. 1, 2 & 3  
i.e. for Union of India & Ors.)

Mr. B. Chatterjee, counsel (Resptt. No. 4  
to 13)

Ms. B. Mondal, counsel (Resptt. No. 4 to  
13)

Heard on : 3.4.2000

Order on : 3.4.2000

O R D E R

D.Purkavastha, J.M. :-

Applicant Md. Rafiuzzaman, an I.P.S. Officer filed a Writ Petition No. CO.13980-W/93 before the Hon'ble High Court at Calcutta seeking direction upon the respondents to determine the seniority of the applicant in terms of the Government Order dated 22.8.1986 being the Annexure "B" to the application and to grant benefit of promotion consequently. That application has been filed before the Hon'ble High Court at Calcutta on 20.10.1993 and thereafter the case has been transferred to this Tribunal for adjudication by the High Court and that has been numbered as T.A./13/1996.

2. When the case is taken up for hearing today Ld. Advocate Mr. B. Chatterjee appearing on behalf of the Respondent No. 4 to 13 contends that this Tribunal has no jurisdiction to entertain the application for adjudication in view of the provisions of Sec. 29 of the A.T. Act, 1985 since the case was filed on 20.10.93 and the case has been wrongly sent to this Tribunal by the Hon'ble High Court at Calcutta overlooking the provisions of Sec. 29 of the A.T. Act itself. Ms. U.Sanyal, Ld. Counsel appearing on behalf of the Official Respondents i.e. Respondent No. 1 to 3 submits that Hon'ble High Court at Calcutta has no jurisdiction to entertain the application for adjudication and transfer the same to the Tribunal after the enactment of A.T. Act, 1985. Mr. S.K. Nandi, Ld. counsel appearing on behalf of the applicant contends that the application

can be entertained by this Tribunal since it has been transferred to this Tribunal by Hon'ble High Court at Calcutta for adjudication. Therefore, question of jurisdiction cannot be involved as alleged by the respondents.

3. We have considered the submissions of the 1d. counsels of both parties and we find that the A.T.ACT, 1985 came into effect on 1.11.1985. We also find that the subject matter of the Writ Petition pertains to Service Matter of the applicant. We find that after 1985, under section 29 of the Act only pending cases for adjudication before the High Court can be transferred to this Tribunal. Therefore, in our view it would be proper on our part to send back the case before the Hon'ble Calcutta High Court for proper order in view of the objections raised by the 1d. counsels appearing on behalf of the respondents at the time of hearing of the case. Both parties are directed to appear before the Hon'ble High Court at Calcutta for getting proper order. Accordingly application is disposed of. Registry is directed to send back the case to Hon'ble High Court at Calcutta for proper order.

G.S. MAINGI  
MEMBER (A)

D. PURKAYASTHA  
MEMBER (J)

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