

CENTRAL ADMINISTRATIVE TRIBUNAL

CALCUTTA BENCH

T.A.48/97

Date of order 21.2.2000

CO15989(W)/92

Present : Hon'ble Mr. Justice S.N. Mallick, Vice-Chairman.

Hon'ble Mr. B.P. Singh, Administrative Member.

TARUN KR. CHAKRABORTY

-V E R S U S-

UNION OF INDIA AND ORS.

For the applicant : Mr. Samir Ghosh, counsel.
Mr. S.K. Sarkar, counsel.

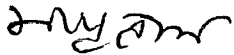
For the respondents : Mrs. Uma Sanyal, counsel.

O R D E R

When the matter is taken up today, a preliminary objection has been taken by the Id. counsel appearing for the respondents that this application cannot be treated as a transferred application under section 29 of the AT Act, 1985. It appears that the connected writ petition was filed before the Hon'ble High Court Calcutta on 22.9.92. This Tribunal was already in existence and had the exclusive jurisdiction to entertain the subject matter of the writ petition. Our attention has been drawn to the order of the Hon'ble High Court passed by a single bench dated 26.2.97 whereby the single bench dismissed the writ petition. There was an appeal against the aforesaid order in the High Court. The High Court in its appellate jurisdiction disposed of the appeal in the direction that the connected writ alongwith the affidavit be remitted to this Tribunal. Whether the High Court could have entertained the application before the Hon'ble Tribunal or not that we are not going to get into this dispute. But we must make it clear that this matter is under the jurisdiction of this Tribunal to entertain the writ petition as transferred application under the provision of section 29 of AT Act, 1985. In that view

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we are unable to exercise jurisdiction over this TA No. 48/97. Mr. Ghosh, Id. counsel for the petitioner submits on instruction that his client has already filed a fresh application before this Tribunal which is appearing at sl. No. 15 of today's list. In that view of the matter, he does not want to proceed with this T.A. The T.A. be struck off from our pending register.



Member (A)



Vice-Chairman.

a.k.c.