

Office Notes, Office Memorandum
of Coram, Appearances, Courts'
Orders or Directions and Protho-
notary's Orders.

Court's or Judges' Orders.

Heard Mr. J. P. Cama for
the applicant. Before considering
the merits of the application, it
will be necessary to find out
whether this Bench has jurisdiction
in view of Rule 6 of the
Tribunal ^(Procedures) Rules. Mr. Cama
wants some time to study the
matter and to make his submission
S.O. 22-11-1985 at 2.30 P.M.
In the meantime the applicant
to give notice to the respondents
about the case him and
date.

B. L. Kaur
20-11-1985

Heard Mr. Cama. He
submits that the applicant when
can file an application where
a part of the cause of action
arises within the jurisdiction
of this Bench. It is true
that the jurisdiction issue
under Sec 5 ^{grants} ~~provides~~ the
jurisdiction to this Bench
over territories including
Bambay. The impugned order
is passed at Bambay. In
this way he wants to
say that the applicant
can file the application.

before this Bench. Have
the same authority
which has issued
notification under Section
5 has also framed
Rule 6 which provides
that the application shall
be filed in before
the Bench which has
jurisdiction the
application is posted in
the law book on ~~which~~
before the Principal Bench.

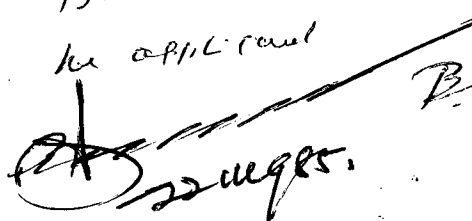
These two provisions have
to read harmoniously. To
get over this difficulty
Mr. Cama submitted that
but the word 'shall' be
read ^{as} 'may' while inter-
preting Rule 6. He
relies upon the Supreme
Court decision reported
in AIR 1951 ^{SC} 751. In fact
that decision says that
the word 'shall' should
be read as 'shall' unless
it is necessary to use it
as 'may'. We do not
think that such reading
of 'shall' as 'may' is
necessary. In fact Rule
6 has made it clear where
the application should be
filed.

Mr. Cama then submitted
that a notice be issued to the
respondent and thereafter
the question of jurisdiction
be decided. We do not
think that this procedure

①

is necessary particularly when
we are satisfied that the
applicant cannot be filed in
before this Bench. Mr. Cane
then submitted that the applicant
cannot be decided on the
grounds of jurisdiction unless
such a notice is issued to
the other side. We do not know
that so particularly when after
hearing Mr. Cane sufficiently,
we are not impressed by his
submissions.

The result is that that
the applicant will have to
file the application for
~~Attahab~~ ^{Attahab} Bench. Instead of
dismissing the petition we feel
that the interests of justice will be
properly met if we return the
petition to the applicant
for presentation ^{before} in a proper
~~court of law~~ ^{bench}. The applicant
has already filed copies of his
application. ~~This~~ The order
passed on this petition should
be kept along with the copy
and the main application along
with copies of the order of this
Bench should be returned to
the applicant.

 B.L. Ganguli
22.11.1985

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Court's or Judges' Orders.

20-11-1985 Cites - Arguments -

✓ 79, 21 C, 699

Disciplinary proceedings must
be contemplated & planned

& not as a thought of
jurisdiction - Rule 6

Heard Mr. J.P. Cama
& Mr. Kantawala.

22-11-1985 at 2.30

for production of
CCS Rules & special
ruler of JCC 1 & E.

22-11-1985 - Mr. Cama & Kantawala.
Cama cites CPC.

AIR 61 Supreme Court 751
P. 765 - Para 70

Heard Mr. J.P. Cama for the
applicant. Before considering
the merits of the application,
it will be necessary to find
out whether this Bench has
jurisdiction in view of Rule 6
of the Tribunal (Procedure)
rules. Mr. Cama wants
some time to study the
matter and to make his
submission. S.O. 22-11-1985
at 2.30 pm. In the meantime
the applicant to give notice
of the respondents about the
above time and date.

Sd/- B.C. Gadgil
20/11/85

Sd/- J.G. Bajaj
20/11/85