

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

NEW BOMBAY BENCH

CIRCUIT SITTINGS AT PANAJI (GOA)

~~QXXXXX~~

198

T.A. No. 47(G)/87

DATE OF DECISION 18.4.1988

Shri Joaquim Sebastiao Hilario Petitioner
Da Costa Alias Hilario De Costa

Shri M.S. Usgaonkar Advocate for the Petitioners)

Versus

Union of India & Others. Respondent

Shri V.B. Nadkarni Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. B.C. Gadgil, Vice-Chairman

The Hon'ble Mr. L.H.A. Rego, Member(A)

1. Whether Reporters of local papers may be allowed to see the Judgement? - 45
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement? M
4. Whether it needs to be circulated to other Benches of the Tribunal?

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT SITTINGS AT PANAJI(GOA)

Tr.Application No.47(G) of 1987

Shri Joaquim Sebastiao Hilario
Da Costa alias Hilario Da Costa,
At: Court of Civil Judge
Sr.Div., & J.M.F.C.,
Vasco-da-Gama.

.. Applicant

V/s.

1. Union of India, through
its Secretary for Ministry
of Home Affairs,
New Delhi.
2. The Administrator of
Goa, Daman & Diu,
At: Secretariat,
Panaji.
3. The District & Sessions Judge,
South Goa,
At: Margao.
4. The District & Sessions Judge,
At: Panaji.
5. Shri Dananjay V.Redkar,
Nazir,
At: Court of Civil Judge,
Sr.Div. & J.M.F.C.,
Quepem.

.. Respondents

Coram: Hon'ble Vice-Chairman, Shri B.C.Gadgil
Hon'ble Member(A), Shri L.H.A. Rego

Appearance:

1. Shri M.S.Usgaonkar,
Advocate
for the applicant.
2. Shri V.B.Nadkarni,
Advocate General
for the respondents.

Tribunal's Order:-

Dated: 18.4.1988

(PER: Shri B.C.Gadgil, Vice-Chairman)

Writ Petition No.142 of 1983 of the file of the
High Court of Judicature at Bombay, Panaji Bench, Panaji

Contd...2/-


is transferred to this Tribunal for decision.

2. The applicant is an employee in the District Judiciary of Goa. He was appointed as Nazir on an ad/hoc basis. On 31.8.1983 he was reverted to his substantive post as Upper Division Clerk. It is this order that is being challenged in the Writ Petition. Section 2(c) of the Administrative Tribunals Act, 1985 as amended by the Amendment Act No.51 of 1987 states that the provisions of the Act shall not apply to any officer or servant of the Supreme Court, High Court or Courts Subordinate thereto. In view of this provision it will not be possible for us to exercise any jurisdiction in respect of this transferred Writ Petition. Consequently, the Writ Petition will have to be re-transferred to the High Court. Hence we pass the following order :-

O R D E R

Writ Petition No. 142 of 1983 is re-transferred to the High Court of Judicature of Bombay, Panaji Bench, Panaji. Office should arrange to transfer the record and proceedings to the Special Officer of Panaji Bench of the Bombay High Court along with a copy of this order.

The original order should be retained in this office.


(L.H.A. Rego) 18.4.86
Member(A)


(B.C. Gadgil)
Vice-Chairman