

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI
NEW BOMBAY BENCH

O.A. No. 482/87 ***
~~*****~~

DATE OF DECISION 13.10.1988

Shri. G.V.Ratnam

Petitioner

Advocate for the Petitioner(s)

Versus

Union of India & Ors.

Respondent

Shri J.G.Desai (for Shri M.I.Sethna)

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. P.S.CHAUDHURI, Member (A)

The Hon'ble Mr.

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

Yes

No

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(2)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

Original Application No.482/87.

Shri G.V.Ratnam,
Civil Judge Sr.Division
and Chief Judicial Magistrate,
Panaji.

... Applicant

N/s.

1. Union of India,
Through Secretary,
Ministry of Home Affairs,
Department of Justice,
New Delhi.110 001.
2. Union Territory of Goa, Daman &
Diu, through Administrator,
Goa, Daman and Diu,
Caboraj Niwas, Dona Paula,
Panaji-403 001.
3. Chief Secretary,
Government of Goa, Daman and Diu,
Secretariat,
Panaji - 403 001.

... Respondents.

Coram: Hon'ble Member(A), Shri P.S.Chaudhuri.

Oral Judgment:

{Per Shri P.S.Chaudhuri, Member(A)} Dated: 13.10.1988

None present for the applicant today but when this matter was before the Deputy Registrar on 13.9.1988 Shri S.Natarajan, learned Counsel for the applicant, had stated that a similar matter, viz. O.A. No.377/87, had been decided and transferred to the Panaji Bench of the Bombay High Court as this Tribunal no longer had any jurisdiction. Shri J.D.Desai, (for Shri M.I.Sethna) learned Counsel appeared for the respondents.

2. This is an application filed by a Civil Judge, Senior Division and Chief Judicial Magistrate, Panaji, Goa claiming that his pay be fixed w.e.f. 1.3.1982 in the scales at par with the Delhi Judicial Service and other consequential reliefs.

...2.

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3. This application was filed in this Tribunal on 8.7.1987. At that time the dispute in question was within the jurisdiction of the Tribunal. However, by Amendment Act No.51 of 1987 which came into force on 22.12.1987 the provisions of The Administrative Tribunals Act, 1985 shall not apply to an officer or servant of courts sub-ordinate to any High Court.

4. The same Amendment Act also added sub-section 6 to Section 29 of The Administrative Tribunals Act, 1985. This sub-section 6 states that the proceeding of the Tribunal shall be transferred to the Court which has jurisdiction after Amendment Act No.51 of 1987 came into force. Sub-section 7 of Section 29 provides that after the case is so transfereed the Court may proceed to deal with the case from the stage which was reached before it was so transferred.

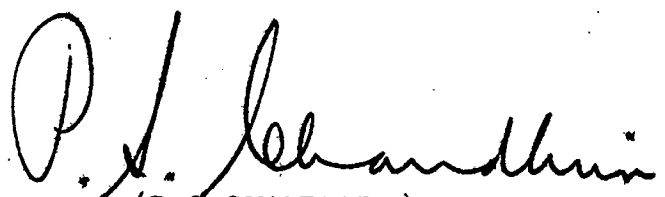
5. In view of these amendments it would, therefore, be necessary to transfer the record and proceedings of this application to the appropriate Court. As the dispute is regarding the pay scales of a Civil Judge, Senior Division it would be necessary that the matter be decided by the High Court.

6. Hence I pass the following order.

O R D E R

This application stands transferred to the Bombay High Court, Panaji Bench. The Registrar should send the record to the Special Officer, Panaji Bench of the Bombay High Court. Along with the record a copy of this order should also be sent. The original order should be retained in this office.

Parties to bear their own costs of this application.


(P.S. CHAUDHURI)
MEMBER(A)