

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

NEW BOMBAY BENCH

CIRCUIT SITTINGS AT PANAJI (GOA)

~~QXXXXX~~

198

T.A. No. 48(G) of 1987

DATE OF DECISION 18.4.1988Shri Dinanath Shamboo Naik PetitionerShri A.F.Diniz Advocate for the Petitioner(s)

Versus

Union of India & Others. RespondentShri 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? - *yes*
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?

*NO*

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

Tr.Application No.48(G) of 1987

Shri Dinanath Shamboo Naik,  
AT: Civil Judge Senior Division,  
Bicholim.

.. Applicant

V/s.

1. Union of India  
through:

i) The Secretary to the  
Govt. of India,  
Ministry of Home Affairs,  
New Delhi.

ii) The Lt.Governor of  
Goa, Daman & Diu,  
Secretariat,  
Panaji,  
Goa.

2. Shri Alvaro De Noronha Ferreira,  
District & Sessions Judge  
(North Goa)  
Panaji  
Goa.

3. Shri Rosario Valadares,  
Head Clerk,  
Court of Civil Judge,  
Senior Division,  
Panaji,  
Goa.

4. Shri Vasant D. Lad,  
Head Clerk,  
Court of Civil Judge,  
Senior Division,  
Bicholim,  
Goa.

5. Smt. Sugandha Mahambre,  
Asstt.Sheristedar,  
District and Sessions Court,  
Panaji,  
Goa.

.. Respondents.

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

Contd...2/-

*Reh*

Appearance:

1. Shri A.F.Diniz  
Advocate  
for the applicant.
2. Shri V.B.Nadkarni,  
Advocate General,  
for the respondents.

Tribunal's Order:-

Date: 18.4.1988

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

Writ Petition No.65 of 1987 of the file of the High Court of Judicature at Bombay, Panaji Bench, Panaji is transferred to this Tribunal for decision.

2. The applicant is working as Junior Stenographer in the District Judiciary of Goa. He has challenged to recruitment rules for the post of Assistant Sheristedar/Head Clerk, whereunder Junior Stenographers are not made eligible for this promotional post. Another challenge is about his non-promotion to the post of Assistant Sheristedar/Head Clerk. Section 2(c) of the Administrative Tribunals Act, 1985 is amended by the Amendment Act No.51 of 1987 which 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 the transferred Writ Petition. Consequently, the Writ Petition will have to be re-transferred to the High Court.

Contd...3/-


*Per*

Hence, we pass the following order:-

O R D E R

Writ Petition No. 65 of 1987 is  
re-transferred to the High Court of Judicature  
Bombay, Panaji Bench, Panaji. Office should  
arrange to transfer the record and proceedings  
to the Registrar of the 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)  
Member(A) 12/4/82

  
(B.C. Gadgil)  
Vice-Chairman