

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

N X G X W X X D X E X X H X X

NEW BOMBAY BENCH  
CIRCUIT Sittings AT PANAJI(GOA)~~XXXXXX~~

198

T.A. No. 49(G)/ 1987

DATE OF DECISION 18.4.1988Shri Joaquim Sebastiao Hilario Petitioner  
Da Costa

Shri M.S.Usgaonkar Advocate for the Petitioner(s)

Versus

Union of India &amp; 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? - *Y*
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement? / *N*
4. Whether it needs to be circulated to other Benches of the Tribunal?

*Beth*

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

Tr. Application No.49(G) of 1987

Shri Joaquim Sebastiao Hilario  
Da Costa alias Hilario da Costa,  
U.D.C.  
Court of Civil Judge, Sr.Divn.,  
& 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 and Diu,  
Secretariate,  
Panaji.
- 2A. The Hon'ble Chief Justice  
of the High Court of  
Judicature of Bombay  
High Court Building,  
Bombay.
- 2B. The Registrar,  
High Court,  
High Court Bldg.,  
Bombay.
3. The District & Sessions Judge,  
South Goa,  
Margao.
4. The Additional Civil Judge,  
Sr.Div. Margao.
5. The Addl. Civil Judge,  
Sr.Div. & Chief Judicial  
Magistrate,  
Margao.
6. Shri Narsinha K. Mamat, Asstt.,  
Sheristedar,  
Court of District &  
Sessions Judge,  
South Goa,  
Margao.
7. Shri Blasio R.P.M. da Costa,  
Asstt. Sheristedar,  
Court of District & Sessions Judge,  
South Goa,  
Margao.

Contd...2/-

*B.Lh*

8. Mrs. Mary Visitacao Noronha e Costa,  
Head Clerk,  
Court of Civil Judge,  
Sr.Division & J.M.F.C.,  
Quepem.
9. Shri Dhananjay V. Redkar,  
Head Clerk,  
Court of Civil Judge,  
Sr.Division & J.M.F.C.,  
Ponda.
10. Smt. Vimal Sawkar,  
Jr.Stenographer,  
Court of Addl.Sessions  
and Civil Judge, Sr.Div.,  
Margao.
11. Smt. Carmina Dias e Monteiro,  
Jr.Stenographer,  
Court of Civil Judge,  
Sr.Civ. & J.M.F.C.,  
Vasco-da-Gama.
12. Smt. Serafina L.G.Pereira,  
Nazir,  
Court of Civil Judge,  
Sr.Div. & J.M.F.C.,  
Quepem.
13. Shri Datta B. Tilve,  
Nazir,  
Court of Civil Judge,  
Sr.Div. & J.M.F.C.,  
Ponda.
14. Shri N.G.Balan,  
Jr.Stenographer,  
Court of Addl.Sessions & Civil Judge,  
Sr.Division,  
Margao.
15. Shri Adolfo Fernandes,  
Jr.Stenographer,  
Court of Addl.Sessions  
& Civil Judge, Sr.Div.,  
Margao.
16. Smt. Marocca Rodrigues,  
Nazir,  
Court of Civil Judge,  
Sr.Div. & J.M.F.C.,  
Vasco-da-Gama.
17. Smt. Malaquinha Fernandes,  
Nazir,  
Court of District & Sessions Judge,  
South Goa,  
Margao.

18. Shri Xembu S. Talaulikar,  
Nazir,  
Court of Addl. Sessions &  
Civil Judge, Sr.Div.,  
Margao.

19. Shri Devidas P. Vaidya,  
Nazir,  
Court of Addl. Sessions &  
Civil Judge, Sr.Div.,  
Margao.

.. Respondents.

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

Coram:

Appearance:

1. Shri M.S.Usgaonkar,  
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. 49 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 an employee in the District  
Judiciary in Goa. He has challenged certain recruitment  
rules for the post in question. Another challenge is  
about the promotion of respondent No.9 to the post of  
Nazir. Section 2(c) of the Administrative Tribunals Act,  
1985 as amended by the Amendment Act No.51 of 1987 states  
that the provision of the Act shall not apply to any



Contd...4/-

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. Hence we pass the following order:-

O R D E R

Writ Petition No. 49 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) 18.4.88  
Member (A)

  
(B.C. Gadgil)  
Vice-Chairman