

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

NEW BOMBAY BENCH  
CIRCUIT Sittings AT PANAJI(GOA)

QX/XXX/XX

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T.A. No. 50(G) of 1987

DATE OF DECISION 18.4.1988

Shri Prabhakar X. Bhandari Petitioner

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? - Yes
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement? / No
4. Whether it needs to be circulated to other Benches of the Tribunal?

Reli

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

Tr. Application No.50(G) of 1987

Shri Prabhaker X. Bhandari,  
L.D.C.  
At: Court of the Addl. Sessions  
and Civil Judge,  
Sr. Division, Margao and  
resident of Margao.

.. Applicant

V/s.

1. Union of India  
through its Secretary,  
Ministry of Home Affairs,  
New Delhi.

2. The Administrator of  
Goa, Daman & Diu,  
Panaji.

3. District & Sessions Judge,  
South Goa,  
Margao.

4. District & Sessions Judge,  
Panaji  
At: Panaji.

5. Shri Phoolchand R. Faiswar,  
U.D.C.  
At: Court of District  
and Sessions Judge,  
South Goa,  
Margao.

.. 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:-

Date: 18.4.1988

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

Writ Petition No.146 of 1983 of the file of the

Contd..2/-

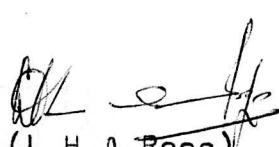
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High Court of Judicature at Bombay, Panaji Bench, Panaji is transferred to this Tribunal for decision.

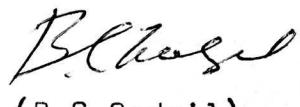
2. The applicant is serving in the office of District Judiciary of Goa. By an order dated 31.8.1983, he was reverted from the post of Upper Division Clerk to that of Lower Division Clerk. It is this order, that is challenged in this proceeding. In addition, he has also challenged the promotion of respondent No.5 to the post of Upper Division Clerk. 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 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.146 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 Registrar 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)  
Member (A)

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(B.C. Gadgil)  
Vice-Chairman