

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH
xxXXXXxxxx
CIRCUIT SITTING AT PANJIM

Misc. Petition No. G-6/88
x0XXXxx in 198
TAXXxx O.A.394/87

DATE OF DECISION 8-7-1988

Shri V.P.Shetye Petitioner

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

Versus

Union of India & Ors. Respondent

Shri M.I.Sethna Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. B.C.GADGIL, VICE-CHAIRMAN

The Hon'ble Mr.

1. Whether Reporters of local papers may be allowed to see the Judgement? - 98
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? / 100

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH
CIRCUIT SITTING AT PANJIM

Misc.Petition No.G-6/88
in
O.A.No.394/87

Shri V.P.Shetye,
Addl.District and
Addl.Sessions Judge,
PANAJI. .. Applicant

vs.

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 & Diu,
Cabo Raj Niwas,
Dona Paula,
Panaji - 403 001.

3. Chief Secretary,
Govt.of Goa,Daman & Diu,
Secretariat,
Panaji - 403 001.

.. Respondents.

Coram:Hon'ble Vice-Chairman Shri B.C.Gadgil

Appearances:

1. Mr.M.S.Usgaocar,
Advocate for the
applicant.

2. Mr.M.I.Sethna,
Counsel for the
Respondents.

ORAL JUDGMENT

Date: 8-7-1988

This is an application filed by the Additional District Judge of Goa. He has filed this application in connection with his service matter. The applicant has filed an application at Bombay on 10-5-1988 that this matter be transferred to the High Court. Similar application is made today. It is numbered as Misc.Petition No.G-6/88.

Bch

... 2/-

2. This application was filed before December, 1987. At that time the dispute in question was within the jurisdiction of the Tribunal. Section 2(c) of the Administrative Tribunal ^{Act} (as was then available) has laid down that the provisions of the Act shall not apply to any officer or servant of the Supreme Court or of any High Court. However, the Act has been amended by Act No.57 of 1987. It came into force on 22-12-1987. By the amending act the words "or Courts subordinate there to" are added. The effect of the amendment is that the service matter of an officer or servant of the Courts subordinate to the High Court would not be entertainable by the Tribunal.

3. The same amending act also added sub-section 6 to section 29. This sub-section 6 states that proceedings of this Tribunal shall stand transferred to the Court. Sub-section 7 provides that after the case is so transferred the Court may proceed to deal with the case. In view of these amendments it would therefore be necessary to transfer the record and proceedings of this application to the appropriate Court. Mr. Usgaocar for the applicants submitted that as the dispute is regarding the pay scales of District Judges it would be necessary that the matter should be decided by the High Court. Hence I pass the following order:

O R D E R

The 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 also should be sent. Misc. Petition No.G-6/88 is disposed of accordingly.

Parties to bear their own costs of this application.

B.C. Gadgil
(B.C.GADGIL)
Vice-Chairman