

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY,
CAMP AT NAGPUR.

Transferred Application No.533/87.

The Central Board of Trustees
Employees' Provident Fund, New
Delhi Through Assistant Provident
Fund Commissioner, Sub-Regional
Office, Kalbande Bhavan,
Nagpur - 9.

... Applicant
(Plaintiff)

V/s.

1. Shri Laxman Mahadeo Parse,
Ordnance Factory,
Ambajhari, Nagpur.
2. Shri T.N.Falat,
House of Shri Ramteke,
Untkhana,
Nagpur.

... Respondents
(Defendants).

Coram: Hon'ble Member(J), Shri M.B.Mujumdar,
Hon'ble Member(A), Shri P.S.Chaudhuri.

Oral Judgment:

【Per Shri M.B.Mujumdar, Member(J)】

Dated: 17.1.1989

Regular Civil Suit No.100/82 is transferred to this Tribunal under section 29 of the Administrative Tribunals Act, 1985 by the learned Second Joint Civil Judge, Senior Division, Nagpur by his order dated 23.2.1987. The applicant (plaintiff) has filed Miscellaneous Petition No.606/88 for re-transferring the suit to the Civil J-udge Senior Division, Nagpur. In the Miscellaneous Petition it is wrongly prayed that the case be transferred to the District and Sessions Judge, Nagpur.

2. We had issued notice to both the respondents (defendants), but the notice of Respondent No.1 is received back with an endorsement that the adress is in-complete. The notice sent to Respondent No.2 is not yet received back,

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But as the point is a law point and as the position is very clear we are passing this order in the absence of the Respondents (defendants) after hearing the applicants (Plaintiff's) advocate Shri C.G.Madkholkar.

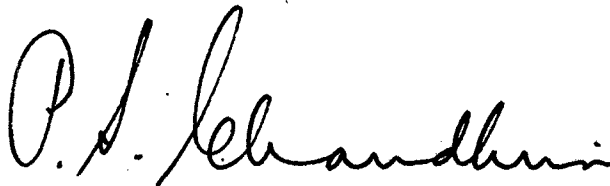
3. The applicant (plaintiff) is a Central Board of Trustees Employees' Provident Fund, New Delhi. It is having an office at Nagpur headed by the Assistant Provident Fund Commissioner.

4. The Respondent (defendant), No.1 Shri L.M.Parse was an employee in an establishment at Nagpur, styled as M/s.Kanoria Haycock Sanderson Ltd.; that establishment was coming under the jurisdiction of the office of the applicant (plaintiff) at Nagpur. Shri L.M.Parse was having a Provident Fund account in the said establishment bearing No.MH/12218.

5. The Respondent (defendant) No.2 Shri T.N.Palat was at the relevant time dealing with the maintenance of Provident Fund account in respect of the said establishment. The applicant (plaintiff) has filed the suit in the Court of the Civil Judge Senior Division, Nagpur for recovering Rs.12,830.50 from the respondents (defendants) on the allegation that Respondent (defendant) No.1 had received the amount fraudulently in collusion with Respondent (defendant) No.2.

6. On the assumption that the suit was relating to some service matter regarding a Central Government employee the learned Second Joint Civil Judge, Senior Division, Nagpur has transferred this suit to this Tribunal by the order dated 23.2.1987, but there cannot be any doubt that, that assumption is wrong. The suit was for recovering the amount of Rs.12,830.50. The suit cannot be said to be coming within the jurisdiction of this Tribunal. Hence Miscellaneous Petition No.606/88 shall have to be allowed.

7. We therefore, direct that the record and papers of Transferred Application No.N-533/87 (i.e. Regular Civil Suit No.100/82) be sent to the Civil Judge Senior Division, Nagpur through the District Judge, Nagpur. The Miscellaneous Petition is accordingly disposed of.



(P.S. CHAUDHURI)
MEMBER (A)



(M.B. MUJUMDAR)
MEMBER (J).