

(3)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH

Tr.No.(N)367/87

Nathu Nokaji Hulke & another. .. Applicants

vs.

Hindustan Petroleum Corporation Ltd.,  
Nagpur and 6 others. .. Respondents

Coram: Hon'ble Member(A) Shri P.S. Chaudhuri  
Hon'ble Member(J) Shri D.K. Agrawal

JUDGMENT: Date: 15-6-1990  
(Per P.S. Chaudhuri, Member(A))

Writ Petition No. 2226/1985 was filed in the Nagpur Bench of the High Court of Judicature at Bombay on 30-8-1985. By order dated 18.11.1985 the Writ Petition was transferred to this Bench of this Tribunal where it has been numbered as Transferred Application No. (N)367/87.

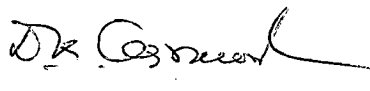
2. In the Writ Petition the petitioners have stated that they are the ex-employees of the Gas filling Plant at Kalmeshwar, near Nagpur, of Hindustan Petroleum Corporation Ltd. The dispute is regarding seniority and promotion qua respondents 1 to 6.


3. This Tribunal has been constituted under the Administrative Tribunals Act, 1985. Section 29 of this Act deals with transfer of pending cases and provides, inter-alia, that every proceedings pending before any Court before the establishment of this Tribunal, being a suit or proceeding the cause of action

whereon it is based is such that it would have been, if it had arisen after the establishment of this Tribunal, <sup>been</sup> ~~being~~ within the jurisdiction of this Tribunal shall stand transferred to the Tribunal. It is therefore necessary to see whether this proceeding comes within the jurisdiction of this Tribunal. The jurisdiction, powers and authority of the Tribunal have been spelt out in Section 14 of the above mentioned Act. From a reading of this Section it is clear that the Central Government may, by notification, apply the provisions of sub-section 3 of Section 14 to Corporations owned or controlled by the Govt. But we find that no such notification has been issued by the Central Govt. in respect of Hindustan Petroleum Corporation.

4. In this view of the matter we are of the opinion that we have no jurisdiction, powers and authority in this matter and also that the jurisdiction of other Courts have not been excluded in this matter.

5. We accordingly order that this matter be retransmitted to the Nagpur Bench of <sup>the</sup> High Court of Judicature at Bombay along with a copy of this order. The original of this order be retained in the Registry of this Bench of this Tribunal.

  
(D.K.AGRAWAL)  
Member(J)

  
(P.S.CHAUDHURI)  
Member(A)