

(91)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY

TRANSFERRED APPLICATION No. 163/87

Mr. Pukh Raj Bumb
Permanent Gr.I Officer of Goa,
Daman & Diu, Civil Service and
Director of Institute of Public Assistance
(Provedoria), Panaji - Goa

Applicant

v/s.

1. The Union of India through
the Secretary, Ministry of
Home Affairs, New Delhi
2. Administrator of Goa,
Daman and Diu, with office
at Panaji.
3. Shri J M J S Alexander
Gonsalves Pereira,
Temporary Gr.II Officer
(on ~~depo~~ probation) of the
Goa, Daman and Diu Civil
Service and presenting working
as Director of Social Welfare,
Panaji (Goa). *Servir*
4. Shri Chaman Lal,
Permanent Gr.II Officer of the
Goa, Daman and Diu Civil Service
and ~~presently~~ working as Manager,
Government Printing Press,
Panaji (Goa).
5. Shri M.P. Tyagi
Permanent Gr.I Officer of the
Goa, Daman and Diu Civil Service and
~~presently~~ working as Director of
Civil Supplies, Directorate of
Civil Supplies, Junta House,
Panaji (Goa).

AND TEN Others

Respondents.

Coram: Hon'ble Vice Chairman B C Gadgil
Hon'ble Member(A) J G Rajadhyaksha

TRIBUNAL ORDER

DATED: 3.6.1987

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

This Transferred Application No. 163 was
originally Writ Petition No. 74 of 1984 filed before
the Panaji Bench of the Bombay High Court. That
Writ Petition was summarily dismissed. The Petitioner
went to the Supreme Court in Special Leave Petition No. 10383

of 1984. The Supreme Court allowed the Special Leave Petition and passed a an order on 21 January 1987. By that order the Supreme Court has directed that this Tribunal should decide the said Writ Petition as expeditiously as possible and not later than three months from the date on which the Supreme Court's order is received by this Tribunal. That order was received by this Tribunal on 11.3.1987.

2. ~~There~~^{after}, the Tribunal issued notices to the parties fixing the matter on 10.5.1987 and directing the respondents to file replies on that date. It was also further directed that the matter will be heard on 3.6.1987 on a priority basis.

3. Mr. S.K. Kakodkar appears for the applicant, and Mr. M.I. Sethna for Respondent Nos. 1 and 2, Mr. A.S. Rajadhyaksha appears for Respondent No. 3. The remaining Respondents nos. 4 to 11 are absent though duly served.

4. Mr. Kakodkar has to-day filed an application for amendment of the Main Writ Petition. It is numbered as Miscellaneous Petition No. 181/87. After hearing Mr. Kakodkar for the applicant and Mr. M.I. Sethna and Mr. Rajadhyaksha for the respondents we allow the said amendment application. Mr. Sethna has not filed any reply to the Main Petition and stated that the reply that was filed before the Supreme Court in the Special Leave Petition may be treated as a reply to this application. Mr. Rajadhyaksha has to-day filed reply to the unamended Writ Petition. He informs the Tribunal that he could not file the reply on 10.5.87 as respondent No. 3 did not receive the notice of this Tribunal before 10.5.87. The reply filed by respondent no. 3 is taken on record.

5. Mr. Sethna and Mr. Rajadhyaksha, however, submitted that they would require some reasonable time for filing additional replies to cover the amendments that have been made to-day. They pray for about a fortnight's time for this purpose. A copy of the amended application was received by them to-day. The applicant should carry out the amendments within a week from to-day.

6. Mr. Kakodkar has to-day filed additional paper book of the documents on which the applicant wants to rely. He has served a copy of that additional paper book on both Mr. Sethna and Mr. Rajadhyaksha. The said paper book is taken on record.

7. Mr. Sethna and Mr. Rajadhyaksha submitted that with effect from 30.5.1987 the Union Territory of Goa has been constituted into a separate State. They do not have a copy of the Act in that respect. They submitted that they would require some time to get a copy of the Act as they intend to raise the question as to whether this Tribunal continues to have jurisdiction over the matter in spite of the Constitution of Goa as a separate State. According to them, it will not be possible for them to make their submissions unless they get a copy of the Act. Of course, they showed us a copy of the Bill, but that would not be sufficient.

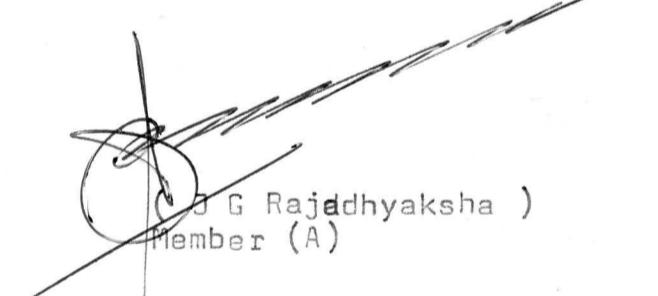
8. As stated earlier it is necessary for us to decide this application before 11.6.1987. However, in view of the above mentioned position, the learned advocates Mr. Kakodkar Mr. Sethna and Mr. Rajadhyaksha prayed that the matter may be adjourned to some future date and thereafter it may be heard and decided. However, our difficulty is that the matter has to be decided before 11.6.1987. All the advocates, therefore, told us that this Tribunal may make a

report to the Supreme Court requesting for extension of time for deciding the matter upto 31st July, 1987. They expressly stated before us that they consent to such extension and that consent may be mentioned in the order and accordingly we have mentioned it here.

9. The Registrar of this Tribunal is, therefore, directed to send a report to the Registrar of the Supreme Court requesting him to place the matter before the Honourable Vacation Judge for appropriate orders about extension of time till 31 July, 1987. A copy of this order should also be sent along with the report. In the meantime, we fix this matter on 15th July, 1987, for hearing, as requested by the advocates.



(B.C. Gadgil)
Vice Chairman



D.G. Rajadhyaksha)
Member (A)