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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI
NEW BOMBAY BENCH

O.A. No. 303/88 198
XXXXXX

DATE OF DECISION 28.1.1988

Shri R.V.Kulkarni

Petitioner

Advocate for the Petitioner(s)

Versus

The General Manager, Ammunition Factory. Respondent

Mr.R.K.Shetty.

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? — 93
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement? / 100
4. Whether it needs to be circulated to other Benches of the Tribunal?

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL,
NEW BOMBAY BENCH, NEW BOMBAY.

Original Application No.303/88.

Shri R.V.Kulkarni,
General Manager,
Ammunition Factory,
Kirkee,
Pune.

...Applicant.

V/s.

The General Manager,
Ammunition Factory,
Kirkee,
Pune.411 003.

...Respondent.

Coram: Hon'ble Vice-Chairman, Shri B.C.Gadgil,
Hon'ble Member(A), Shri L.H.A. Rego.

Appearances;

Applicant in person and
Mr.R.K.Shetty, counsel
for the respondents.

Oral Judgment:

(Per Shri B.C.Gadgil, Vice-Chairman)

Dated: 2.8.1988

Heard the applicant in person and Mr.R.K.Shetty for the respondents. The matter deserves to be summarily dismissed for the following reasons.

2. From the submissions made by the applicant before us it appears that the applicant has filed Special Civil Suit No.228/78 in the Court of the Civil Judge, Senior Division, Pune for getting reliefs regarding his fixation of pay and pension. That suit was dismissed on 20th February, 1981. The applicant states that he has filed an appeal in the High Court and that the said appeal is also pending.

That appeal is not liable to be transferred to this Tribunal in view of the proviso to sub-section (i) of Section 29 of the Administrative Tribunals Act. Therefore, the applicant will have to approach the

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High Court for deciding the said appeal. The controversy covered by that appeal cannot be re-agitated by the applicant by filing a separate application before us. It is on this count, that the application is not maintainable and is liable to be summarily dismissed.

ORDER

1. The application is summarily dismissed.

B.C.Gadgil

(B.C.GADGIL)
V/c.

23.9.88
(L.H.A.REGO)
M(A).