

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

Original Application No.375/86.

Shri Sebastiao Fernandes,
Electrician,
Marmugao, Municipal Council,
Arao Pomburpa, P.O.Carona,
G O A.

... Applicant

V/s.

1. Union of India through
Director of Municipal
Administration,
Janata House,
Panaji, Goa.

2. Director,
Municipal Administration,
Janata House, Panaji,
Goa.

3. The Municipal Administrator,
Marmugao Municipal Council,
Establishment Department,
Vasco-D-Gama.

... Respondents.

Coram: Hon'ble Member(A), J.G.Rajadhyaksha,
Hon'ble Member(J), M.B.Mujumdar.

Oral Judgment:

(Per J.G.Rajadhyaksha, Member(A)) Dated: 13.1.1987.

The applicant was a servant of the Marmugao Municipal Council, Vasco-D-Gama and having been removed from service by the Administrator of the Municipality submitted an appeal to the Director of Municipal Administration as the Superior Authority. The Director of Municipal Administration wrote a letter to the applicant on 15th October, 1985 stating that the "Administrative Tribunal" is the competent authority to hear his appeal and not the Director of Municipal Administration under sec.76(6) of the Municipalities Act. Under the impression that the Central Administrative Tribunal, New Bombay Bench is the Administrative Tribunal to which reference was made, applicant submitted this application on 27th October, 1986. The matter was fixed

for admission hearing when Mr.R.V.Gangal the Learned Advocate for the applicant appeared and maintained that he had approached this Tribunal because of the advice given by the Director of Municipal Administration. We therefore, directed that a notice be issued to the Respondents on this particular issue of jurisdiction.

2. To day, Mr.V.V.Iyer appears for the Respondents and shows us the Goa, Daman and Diu Municipalities Act, 1968. There is a reference under section.2 Clause(1) under 'definitions' to "Administrative Tribunal" meaning "the Administrative Tribunal constituted under the Goa, Daman and Diu Administrative Tribunals Act, 1965". Section 76(6) also prescribes the authorities to whom appeals against orders imposing penalties would be submitted. Those authorities, summarised, are as follows:

"If the order is passed by the Chief Officer then the Superior Authority to which the appeal may be made is the Standing Committee. From the Standing Committee's Orders, appeal would go to the Council and from the Council's orders appeal would go to the Administrative Tribunal".

3. We are not informed by either of the Learned Advocates, positively, whether an Administrative Tribunal has been set up under the Goa, Daman and Diu Administrative Tribunals Act of 1965. But both concede that in view of this provision in the Goa Daman and Diu Municipalities Act, 1965, the reference could not be to the Central Administrative Tribunal. Besides, section 14 of the Administrative Tribunals Act, 1985, is also very clear on this subject. Unless a local authority is notified under section 14 sub-section(2), this Tribunal would not be vested with jurisdiction to adjudicate upon disputes between employees of the local authority and that authority. In the circumstances

this Tribunal has no jurisdiction to entertain this application. The application is therefore summarily rejected.

4. We would however, like to observe that if the applicant so chooses, he may ascertain whether any Administrative Tribunal has been set up, or whether he has to go to the appropriate Civil Court for redressal of his grievance against the Municipal Administration in Goa. No order as to costs.

(J.G.RAJADHYAKSHA)
MEMBER(A)

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