

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

✓ Tr. Application No. 187/86

✓ Tr. Application No. 189/86

✓ Tr. Application No. 191/86

✓ Tr. Application No. 192/86

✓ Tr. Application No. 193/86

✓ Tr. Application No. 194/86

1) Shri Vilas Dinkar Wagh,
32 - Mangalwar Peth,
Satara and Others.

Tr.
.. Applicants in Tr.187/86

2) Shri Prabhakar Vithal Kamble
20-Shastri Nagar,
Civil Hospital Road,
Sangli and Others.

.. Applicants in Tr.189/86

3) Shri Vasant C. Sane,
H.No.1294, 'B' Ward,
Mangalwar Peth,
Kolhapur.

.. Applicant in Tr.191/86

4) Shri Vasant Chintaman Sane,
H.No.1294/B Ward,
Mangalwar Peth,
Kolhapur.

.. Applicants in Tr.192/86

5) Shri Hari Bhau Patil,
R.No.724, A Ward,
Washi Naka,
Kolhapur. & Othrs.

.. Applicants in Tr.193/86

6) Shri Jaising Shidoji Patil,
1461, 'B' Ward, Mangalwar Peth,
Kolhapur & Othrs.

.. Applicants in Tr.194/86

V/s.

Union of India by its Secretary,
Ministry of Education and
Social Welfare, Shastri Bhavan,
New Delhi

Officer on Special Duty
NFC Closure Cell Department of
Education, Govt. of India,
West Block No.8, Wing No.7,
R.K.Puram, New Delhi

and
Others

.. Respondents in all the
above applications.

Coram: Hon'ble Member S.P.Mukerji

Hon'ble Member M.B.Mujumdar

Appearance:

- 1) Shri P.V.Deshpande
Advocate for Applicant
in Tr.A.No.187/86.
- 2) Shri R.S.Apte,
Advocate for Applicants
in Tr.A.No.189/86,191/86,
192/86,193/86 and 194/86
- 3) Shri A.V.Kulkarni,
Youth Assistant,
Department of Youth Force
and Sports,
Govt. of India. on behalf of
Respondents.

Tribunal's Order: (Per S.P.Mukerji, Member) Date: 25-9-1986

In all these cases the Petitioners were working ^{as} Central Govt. employees as Instructors for ~~the~~ National Fitness Corps. The scheme was transferred to the administrative control of the State Government on 1-8-1972 but the petitioners continued under the administrative control of the State Govt. of Maharashtra, as Central Govt. employees. However, they were absorbed as State Govt. employees fully from 1-11-1976. Their main grievance, inter-alia, is that they should get the benefit of the revised pay scale as recommended by the IIIrd Pay Commission or the Commissions appointed by the State Govt. of Maharashtra. These petitions have been transferred to the Central Administrative Tribunal from the various Civil Courts at Satara, Sangli and Kolhapur under Section 29 of the Central Administrative Tribunals Act.

The question is whether these cases fall within the jurisdiction of the Tribunal. Sub-section 1 of Section 29 under which these cases have been transferred reads as follows :-

"29. Transfer of pending cases:

(1) Every suit or other proceeding pending before any court or other authority immediately before the date of establishment of a Tribunal under this Act, 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 such establishment, within the jurisdiction of such Tribunal,

shall stand transferred on that date to such Tribunal".

From a bare perusal of the aforesaid provision, it will be clear that the Tribunal could have jurisdiction if the cause of action ~~if it had~~ arisen after 1-11-1985 would have been with the jurisdiction of the Tribunal. Since the petitioners in these cases assumed the status of the State Government employees from 1-11-1976, after 1-11-1985 they were State Government employees and thus could not fall within the jurisdiction of the Tribunal as delineated in Section 14 of the Central Administrative Tribunals Act which does not cover State Government employees.

In view of the above, we find, that this Tribunal cannot adjudicate upon these petitions. We, therefore, direct that these cases may be re-transmitted through their respective District & M. Courts to the Civil Courts of Satara, Sangli and Kolhapur from where they had been received earlier, for disposal in accordance with the law. The copies of this order should be kept on each of the case files, the original being retained in the Tribunal.

S. Mukerji 25.9.86
(S.P.MUKERJI)
Member


(M.B.MUJUMDAR)
Member (J)

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