

(19)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 63 of 1989 198
T.A. No.

DATE OF DECISION 06.01.1992

Dr. Narana Sinai Dumo _____ Petitioner

Mr. A.J. Kenkur _____ Advocate for the Petitioner(s)

Versus

~~State of Goa and others~~ _____ Respondent
and others

G.U. Bhohe _____ Advocate for the Respondent(s)

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The Hon'ble Mr. Justice U.C. Srivastava, V.C.

● The Hon'ble Mr. A.B. Gorthi, A.M.

1. Whether Reporters of local papers may be allowed to see the Judgement ?)
2. To be referred to the Reporter or not ? N
3. Whether their Lordships wish to see the fair copy of the Judgement ? N
4. Whether it needs to be circulated to other Benches of the Tribunal ? N

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, BOMBAY BENCH

CIRCUIT BENCH AT PANJI.

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Registration O.A.No. 63 of 1989

Dr. Narana Sinai Dumo
State Nutrition Officer,
Directorate of Health Services

Campal, Panji Goa Applicant

Versus

State of Goa,
through the Chief Secretary,
Secretariat, Panji Goa and others Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. A.B. Gorthi, Member (A)

(By Hon. Mr. Justice U.C. Srivastava, V.C.)

By means of this application, initially the applicant had prayed several reliefs in this application, but later on the same ~~was~~ ^{were} confined to relief Nos. 9-A and 9-F and the application was admitted in respect of these two reliefs. So far as the relief no. 9-A is concerned, there is no denial of the fact that the said relief has already been granted by the Goa Administration to the applicant.

2. The applicant who is State Nutrition Officer, Directorate of Health Services Campal, Panji Goa has prayed that a direction or order may be issued to quash the seniority list dated 26.5.1979 published in the official gazette on 14.6.1979 and also tentative list of seniority issued vide memorandum dt. 17.4.1986 and final seniority list issued vide order dated 4.12.1989 and fix the seniority of the applicant as per instruction in the circular dated 21.11.1974. Although, the duty period of the applicant has been protected by him but payment has not been given to him which is now

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appears to be a formal matter and there appears to be no reason why payment shall not be made expeditiously.

3. On behalf of the respondents, a preliminary objection has been raised that as the applicant has been finally allotted to the State of Goa and being an employee of the State Government, the Tribunal has no jurisdiction to grant any relief to the applicant and the matter goes out of the purview of the Tribunal's jurisdiction and in this connection, he has made a reference of Sec. 60 of the Goa, Daman and Diu Reorganisation Act, 1987 and thereafter, the Ministry of Home Affairs' notification dated 31.5.1990 by which the final allotment has been made. Under the said Act, the applicant was deemed to have been provisionally allotted to serve in connection with the affairs of Goa and now the final allotment has been made. The learned counsel has contended that this matter has finally been decided by the Hon. Supreme Court which has affirmed the judgment of the Bombay High Court in the case of P.S. Jadav and 3 others Vs. State of Goa and 34 others, reported in 1990 (1) Goa Law Times, Page 111. In this case, it has been held that the Central Administrative Tribunal ^{will} have no jurisdiction over those who have ceased to be Central Government Employees because such continuance ^{would} ~~should~~ be inconsistent with provisions of the Act. We also agree with the same and accordingly the Tribunal having no jurisdiction over the matter, The application has got to be disposed of ~~with the above terms~~ and papers be returned to the applicant for presenting the same, in case he still desires to pursue the matter before proper court of law, along with the copy of this order. The application is disposed of with the above observations. Parties to bear their own costs.

Manoj K. S.
Member (A)

W
Vice-Chairman.

(n.u.),

Dt 06.01.92