

119
REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA),
Indiranagar,
Bangalore - 560 038

Dated : 13-7-87

Application No. 508 /87(T)

O.S. No 10498/82 in City Civil Court, Mayo Hall Unit, B'lore)

-Applicant

Shri S. Subbaiah

To

1. Shri S. Subbaiah
16, Cambridge Road (W.T. Station)
Ulsoor
Bangalore - 560 008
2. Shri A.K. Lakshmanan
Advocate
485, Old Poor House Road
Bangalore - 560 051
3. The Secretary
Ministry of Civil Aviation
Sardar Patel Bhavan
Sansad Marg
New Delhi - 110 001

Respondents

V/s The Secy, M/s Civil Aviation & another

4. The Officer-in-Charge
Aeronautical Communication Station
H.A.L. Airport
Bangalore - 560 017
5. Shri M.S. Padmarajiah
Senior Central Govt. Stng Counsel
High Court Buildings
Bangalore - 560 001

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH IN
APPLICATION NO. 508/87(T)

Please find enclosed herewith the copy of the Order/~~XXXXXX~~
passed by this Tribunal in the above said Application on 8-7-87.

Encl : as above.

[Signature]
SECTION OFFICER
(JUDICIAL)

[Signature]
19/7/87
Balu*

A 508/87

Order Sheet (contd)

120

Date	Office Notes	Orders of Tribunal
		<p>(KSP)VC/LHAR(AM)</p> <p>JULY 8, 1987.</p> <p><u>ORDER</u></p> <p>This is a transferred application and is received from the City Civil Court, Mayo Hall Unit, Bangalore, under Section 29 of the Administrative Tribunals Act, 1985 ('Act').</p> <p>When the applicant entered service in the Aeronautical Commission Station, HAL Airport, Bangalore his date of birth had been entered as 8-9-1922 in his service records. On 1-9-1982 the applicant instituted O.S.No.10493 of 1982 before the City Civil Court, Bangalore for a declaration that his date of birth was 25-11-1928 and not 8-9-1922 and for other consequential reliefs. On 10-12-1986 the learned Eighth Additional City Civil Judge holding that the suit related to Central Government service matter, had transferred the same to this Tribunal and on such transfer, the said suit has been registered as Application No.508 of 1987.</p> <p>Sri A.K.Lakshmanan, learned counsel for the applicant/plaintiff contends that the suit filed by his client had been properly transferred to this Tri-</p>



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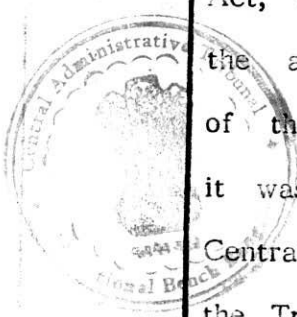
(12)

bunal under the Act and the same be dealt on merits.

Sri M.S.Padmarajalah, learned Central Government Senior Standing Counsel appearing for the respondents/- defendants, contends that Civil Aviation Airports in the country had come under the jurisdiction of National Airport Authority (NAA) constituted and functioning under the National Airport Authority Act, 1985 (Central Act No.64 of 1985) (1985 Act) on and from 1-6-1986 and that the Central Government had not so far conferred jurisdiction over that authority under Section 14(2) of the Act on this Tribunal and, therefore, this Tribunal had no jurisdiction to take the case on its file and deal with the same on merits.

Sri Lakshamanan does not dispute that the applicant has been working in NAA as its employee on and from 1-6-1986.

When the applicant is an employee of NAA constituted under the 1985 Act, it follows from the same that the applicant was not an employee of the Central Government or that it was not a service matter of the Central Government over which only the Tribunal constituted under the Act at present has jurisdiction. In other



A 508/87

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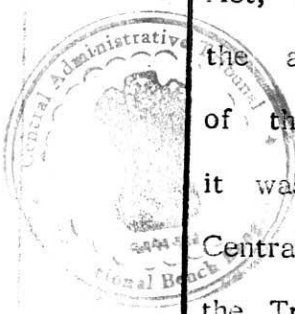
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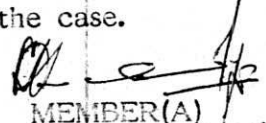
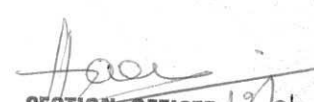
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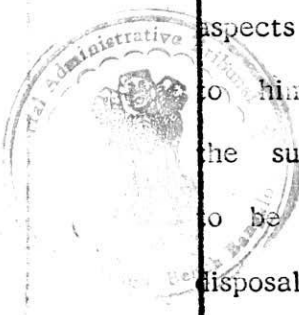
When the applicant is an employee of NAA constituted under the 1985 Act, it follows from the same that the applicant was not an employee of the Central Government or that it was not a service matter of the Central Government over which only the Tribunal constituted under the Act at present has jurisdiction. In other



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	<p>3-8-87</p> <p>Central Administrative Tribunal</p>	<p>learned Judge, take the application on file and proceed with the case on merits. We have, therefore, no alternative but to direct retransfer of O.S.No.-10498 of 1982 to the Court of the City Civil Judge, Bangalore.</p> <p>In the light of our above discussion we direct the Registrar of this Tribunal to re-transfer O.S.No.10498 of 1982 filed by the applicant/plaintiff to the City Civil Court, Mayo Hall Unit, Bangalore with a copy of this order for being dealt by that Court in accordance with law. We direct the parties to appear before the City Civil Court, Mayo Hall Unit, Bangalore on <u>3-8-1987</u> and take further orders from that court for the further progress of the case.</p> <p>  VICE-CHAIRMAN. </p> <p>  MEMBER (A) </p> <p>Bsv/np- 8/7/87</p> <p>"True copy"</p> <p>  SECTION OFFICER 137 CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH BANGALORE </p>

(12)

Date	Office Notes	Orders of Tribunal
		<p>words, the claim of the applicant does not relate to a Central Government service matter over which this Tribunal has jurisdiction.</p> <p>On the NAA as such, the Central Government by virtue of the powers conferred on it by -Section 14(2) of the Act had not so far conferred jurisdiction on this Tribunal. In this view the transferred application still cannot be taken on the file of the Tribunal.</p> <p>Even otherwise Section 13(g) of the 1985 Act provides for continuance of the legal proceedings instituted by the applicant/plaintiff as if the authority had been substituted in the place of the original respondents/defendants. On this view also, this suit instituted in the city civil Court has necessarily to be continued before that Court.</p> <p>We find that the learned Judge without reference to every one of the aspects noticed by us, with all respect to him, had erroneously found that the suit filed by the applicant had to be transferred to this Tribunal for disposal. With regret, we cannot subscribe to the views expressed by the</p>



RAD

Immediate

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

Commercial Complex,
Indira Nagar,
Bangalore -560 038

Ref. APPLICATION No 508/87(T)
(C.S.No 10498/82)

Dated 21.7.87

TO

The Deputy Registrar,
Office of the City Civil Court,
Mayo Hall Unit,
Bangalore-560 001.

SuB; Returning of O.S. No. 10498/82
to the City Civil Court, Mayo
Hall Unit, Bangalore

Sir,

Original Suit No. 10498/82 on the file
of the City Civil Court, Mayo Hall Unit, Bangalore, transferred
to this Tribunal Under Sec. 29 of the Central Administrative
Tribunal Act, 1985, is returned herewith for necessary action
in pursuance of this Tribunal's Order dated 8.7.87 copy of
which is enclosed herewith.

Parties directed to appear before the
City Civil Court, Mayo Hall Unit, Bangalore on 3.8.87.

The receipt of the case records may please
be acknowledged.

Encl: Entire Recors of the Case

nc B. U. V. Reddy
Deputy Registrar

Sir's
Pl. is returned e. today by RAD
21/7/87

Issued

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21/7/87

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Order Sheet (contd)

Subbaiah

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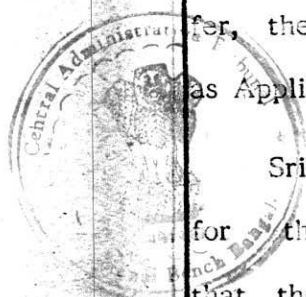
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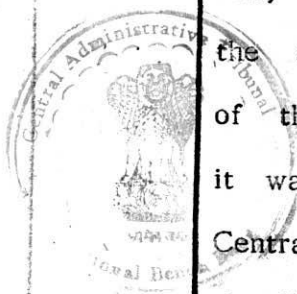
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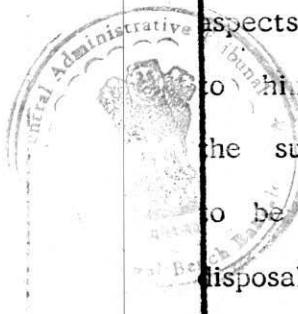
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