

REGD. A.D.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
.....

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

A.No.743/87(T)
(Regular Appeal No.8/82
in O.S.No.80/78)

Date: 12/10/87

To

The Chief Administrative Officer,
District & Sessions Court,
Raichur,
Karnataka State.

Sir,

Sub: Transfer of Case records in R.A.No.8/82
and O.S.No.80/78.

Title: State Farms Corporation Of India V/s.
A.S.Murthy & 2 ors.
....

Consequent on the orders dated 22-9-87 of this Tribunal
(authenticated copy enclosed) in the above case, all the case records in
R.A.No.8/82 in O.S.No.80/78, duly indexed, are transferred herewith to the
Court of District and Sessions Judge, Raichur for further disposal.

Yours faithfully,

o/c

B.V. Venkata Reddy
(B.V.VENKATA REDDY)
Deputy Registrar(J).

Enclosure: As per Index Sheet.

RECEIVED one copy

Diary No. 1255/12/87

Date: 12/11/87

12/11/87

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FOLDER 'C' Containing all the case records of
O.S.No.80/78

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE

DATED THIS THE 22ND DAY OF SEPTEMBER, 1937.

PRESENT:

Hon'ble Mr. Justice K.S. Puttaswamy,

.. Vice-Chairman.

And

Hon'ble Mr. L.H.A. Rego

.. Member(A).

APPLICATION NUMBER 743 OF 1937

State Farms Corporation of India Limited

.. Applicant.

v.

A.S. Murthy and 3 others.

.. Respondents.

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This application coming on for hearing this day, Vice-Chairman made the following:

ORDER

This is a transferred application and is received from the Court of the District Judge, Raichur, under Section 22 of the Administrative Tribunals Act, 1935 ('the Act').

2. We have perused the office objections and heard Sri J.M. Thiruvelli Murthy, learned counsel for the applicant and Sri S. Raghavendra Achar, learned counsel for respondent-1.

3. On an examination of the pleadings and the proceedings, the Registrar of this Tribunal has opined that the State Farms Corporation of India Limited ('Corporation') was either an authority constituted under an Act of Parliament or a Government company incorporated under the Companies Act, over which the Central Government had not so far conferred jurisdiction on this Tribunal under section 14(2) of the Act. On these facts, the Registrar had expressed that this Tribunal had no jurisdiction to deal with this transferred application under the Act and the same had to be retransferred to the



District Court, Raichur, for disposal.

4. The Corporation was a Government Company, incorporated under the Companies Act and that so far there has been no notification issued by the Central Government under Section 14(2) of the Act conferring jurisdiction over the same on this Tribunal. Both sides do not also dispute this position. If that is so, then this Tribunal has no jurisdiction and power to deal with this application under the Act. Before the conferment of such jurisdiction on this Tribunal, the jurisdiction of the civil Court, if any, to deal with the service matter of the Corporation is not ousted. Unfortunately, the learned District Judge had not noticed this position and he erroneously transferred the proceedings before him to this Tribunal. We are, therefore, bound to re-transfer the proceedings to the learned District Judge for disposal.

5. On the foregoing discussion, we uphold the office objections and direct the Registrar of this Tribunal to re-transfer the proceedings in R.A.No.3/1982 to the learned District Judge, Raichur with an authenticated copy of this order with expedition for disposal in accordance with law.

kms/np.



Sd/-
VICE-CHAIRMAN
22/9/87

Sd/-
MEMBER(A)
22.9.87

- True copy -

070

SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

Spence

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE

DATED THIS THE 22ND DAY OF SEPTEMBER, 1967.

PRESENT:

Hon'ble Mr. Justice K.G. Puttaswamy,

.. Vice-Chairman.

And

Hon'ble Mr. L.N.A. Rego

.. Member(A).

APPLICATION NUMBER 742 OF 1967

State Farms Corporation of India Limited

.. Applicant.

v.

A.S. Murthy and 2 others.

.. Respondents.

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This application coming on for hearing this day, Vice-Chairman made the following:

ORDER

This is a transferred application and is received from the Court of the District Judge, Madras, under Section 22 of the Administrative Tribunals Act, 1965 ('the Act').

2. We have perused the office objections and heard Sri J. S. Suresh Murthy, learned counsel for the applicant and Sri S. Nagha-vendra Achar, learned counsel for respondent-1.

3. On an examination of the pleadings and the proceedings, the Registrar of this Tribunal has opined that the State Farms Corporation of India Limited ('Corporation') was either an authority constituted under an Act of Parliament or a Government company incorporated under the Companies Act, over which the Central Government had not so far conferred jurisdiction on this Tribunal under section 14(2) of the Act. On these facts, the Registrar had expressed that this Tribunal had no jurisdiction to deal with this transferred application under the Act and the same had to be retransferred to the



District Court, Raichur, for disposal.

4. The Corporation was a Government Company, incorporated under the Companies Act and that so far there has been no notification issued by the Central Government under Section 14(2) of the Act conferring jurisdiction over the same on this Tribunal. Both sides do not also dispute this position. If that is so, then this Tribunal has no jurisdiction and power to deal with this application under the Act. Before the conferment of such jurisdiction on this Tribunal, the jurisdiction of the civil Court, if any, to deal with the service matter of the Corporation is not ousted. Unfortunately, the learned District Judge had not noticed this position and had erroneously transferred the proceedings before him to this Tribunal. We are, therefore, bound to re-transfer the proceedings to the learned District Judge for disposal.

5. On the foregoing discussion, we uphold the office objections and direct the registrar of this Tribunal to re-transfer the proceedings in R.A.No.3/1983 to the learned District Judge, Raichur with an authenticated copy of this order with expedition for disposal in accordance with law.



kms/np.

Sd/-
VICE-CHIEF
22/9/87

Sd/-
MEMBER (A)
22.9.87

-True Copy-

SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

Spare

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE

DATED THIS THE 23RD DAY OF SEPTEMBER, 1997.

PRESENT:

Hon'ble Mr. Justice K.G. Pattaswamy,

.. Vice-Chairman.

And:

Hon'ble Mr. L. N. A. Reddy

.. Member(A).

APPLICATION NO. 743 OF 1997

State Farms Corporation of India Limited

.. Applicant.

v.

M. S. Murthy and others.

.. Respondents.

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This application coming on for hearing this day, Vice-Chairman made the following:

ORDER

This is a transferred application and is received from the Court of the District Judge, Bidar, under Section 22 of the Administrative Tribunals Act, 1985 ('the Act').

2. We have perused the office objections and heard Sri J. S. Mahesh Murthy, learned counsel for the applicant and Sri S. Raghavendra Achar, learned counsel for respondent-1.

3. On an examination of the pleadings and the proceedings, the Registrar of this Tribunal has opined that the State Farms Corporation of India Limited ('Corporation') was either an authority constituted under an Act of Parliament or a Government company incorporated under the Companies Act, over which the Central Government had not so far conferred jurisdiction on this Tribunal under section 14(2) of the Act. On these facts, the Registrar had expressed that this Tribunal had no jurisdiction to deal with this transferred application under the Act and the same had to be retransferred to the



District Court, Raichur, for disposal.

4. The Corporation was a Government Company, incorporated under the Companies Act and that so far there has been no notification issued by the Central Government under Section 14(2) of the Act conferring jurisdiction over the same on this Tribunal. Both sides do not also dispute this position. If that is so, then this Tribunal has no jurisdiction and power to deal with this application under the Act. Before the conferment of such jurisdiction on this Tribunal, the jurisdiction of the civil Court, if any, to deal with the service matter of the Corporation is not ousted. Unfortunately, the learned District Judge had not noticed this position and had erroneously transferred the proceedings before him to this Tribunal. We are, therefore, bound to re-transfer the proceedings to the learned District Judge for disposal.

5. On the foregoing discussion, we uphold the office objections and direct the Registrar of this Tribunal to re-transfer the proceedings in R.A.No.2/1982 to the learned District Judge, Raichur with an authenticated copy of this order with expedition for disposal in accordance with law.



kms/np.

Sd/-
VICE-CHIEF JUSTICE
22/9/87

Sd/-
SECRETARY
22.09.87

-True Copy-

R. Thyagaraj
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE