

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE
DATED THIS THE 29TH DAY OF JUNE, 1988.

PRESENT:

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

.. Vice-Chairman.

And:

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

Member(A).

APPLICATIONS NOS. 987 AND 988 OF 1988.
(APPLICATION (DIARY) NO. 325 OF 1988)

S.M.Hunashal, M.A., B.Ed.,
104, Hotel Lalit Mahal,
(Opp. to K.S.R.T.C. Bus Stand)
Post: Bijapur 586 101

.. Applicant.

v.

Principal, Sainik School,
Bijapur.

.. Respondent.

This application having placed before the Bench for orders,
Hon'ble Vice-Chairman made the following:

O R D E R

We have carefully examined the papers and the note made
by the office and the Registrar of this Bench.

2. One Sri S.M.Hunashal who was earlier working at Sainik
School, Bijapur as a civilian employee made an application on
10-1-1986 before the High Court of Karnataka praying for grant
of a temporary injunction and a writ of quo warranto against
the Principal, Sainik School, Bijapur, which was transmitted
to this Tribunal by the High Court. On that application, Hon'ble
Sri G.Sreedharan Nair, Member(J) of the Madras Bench of this
Tribunal which was then exercising jurisdiction over Karnataka
made an order on 31-1-1986 in these terms:

"The applicant not present. It is seen that the applica-
tion is not in proper form. Hence, it may be returned
to the applicant. In case the applicant desires to
file an application, he can do so in the prescribed
form".

In compliance with this order, the application was returned to
the applicant by registered post which he refused to receive
and the matter was again placed before the Bench for further



orders. On an examination of the same, Hon'ble Sri Sreedharan

Nair made an order on 14-2-1986 which reads thus:

"It is seen that pursuant to the order passed on 31st January, 1986, the application has been returned by post to the applicant, but that he has refused to receive the papers and they have come back undelivered.

In view of the orders passed on 31-1-1986 nothing further requires to be done in this case. The application will be treated as closed."

With these orders, the earlier applications made by the applicant stands disposed of.

3. On 3-4-1986 the applicant filed a writ petition before the High Court for various reliefs in relation to some of the cases filed by him and still pending before the Munsiff Court and other authorities. On 27-1-1987 the applicant made another application in that behalf which was again styled as a writ petition. Both these applications numbered as Diary Nos. 591 of 1986 and 1114 of 1987 have been transmitted by the High Court to this Tribunal for disposal.

4. We will assume that the two petitions/applications made on 3-4-1986 and 27-1-1987 as properly presented writ petitions before the High Court. But then also, as pointed out by us in M.RACHAIAH v. SOUTHERN RAILWAYS - 1987(3) ATC 566 those writ petitions cannot be transferred to this Tribunal. For the very reasons stated in Rachaiah's case we have to re-transfer these cases to the High Court.

5. We have also examined the papers filed by the applicant on 3-4-1986 and 27-1-1987. We find that the grievances made by the applicant in those applications are really against the cases filed by him and pending before the subordinate Courts of the Karnataka High Court before whom they are pending. If that is so, then the writ petitions filed by the applicant are not service matters of the Central Government and cannot be transferred to this Tribunal. For these reasons also, these applications are liable to be re-transferred to the High Court.



6. We have noticed as to how the earlier application made by the applicant had been dealt with and decided by the Madras Bench of this Tribunal which was exercising jurisdiction over the State of Karnataka also. As the earlier application stands disposed of by the Bench which was then exercising jurisdiction over the same, we cannot do anything in the matter. Even otherwise, we cannot treat the writ petitions filed on 3-4-1986 and 27-1-1987 as restoration applications and deal with them on that basis. On this view, we cannot do anything on the earlier orders made on the earlier application of the applicant by the Madras Bench.

7. On the foregoing discussion it follows that we have to necessarily direct the re-transfer of the two writ petitions of the applicant to the High Court itself. We, therefore, direct the Registrar of this Bench to re-transfer Diary Writ Petitions Nos. 591 of 1986 and 1114 of 1987 to the Registrar of the High Court with an authenticated copy of this order for their disposal in accordance with law. We also direct the Registrar to forward copy of this order to the applicant also.



np/

Sd/-
VICE-CHIRMAN 22/3/1

Sd/-
MEMBER (A) 29.6.88

TRUE COPY

P. B. 7/7/88
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Registered A/D

11nd Floor,
Commercial Complex (BDA),
Indira Nagar,
Bangalore-560 038.

Ref. A, Nos. 987 & 988/88(T).

7.7.88

To

The Registrar,
High Court of Karnataka,
High Court Buildings,
Bangalore- 560 001.

Sub: Re-transfer of Diary Writ Petitions
Nos.591 of 1986 and 1114 of 1987-
Shri.S.M.Hunashal Vs Principal,
Sainik School, Bijapur.

....

Sir,

Reference your letter No.4241/WB/88 dated 16-6-88
forwarding Diary Writ Petitions Nos.591/1986 and 1114/1987.

2. I am directed to re-transfer the above mentioned
Diary Writ Petitions with an authenticated copy of the order dated
29-6-88 made by this Tribunal. Accordingly, the entire case records
in Diary W.P.Nos.591/86 and 1114/87 alongwith an authenticated copy
of the order dated 29-6-88 are forwarded herewith. A copy of the
order has been forwarded to the Applicant.

3. Please acknowledge receipt.

Issued on
1.7.88
(TRB)

Encls: As above.

Yours sincerely,

B.V. Venkata Reddy
S/C (B.V. VENKATA REDDY)
DEPUTY REGISTRAR(J).

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DATED THIS THE 29TH DAY OF JUNE,1988.

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And:

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VICE-CHIRMAN

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MEMBER (A) 29.6.88

R. H. 7/7/88
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 7-7-1988

APPLICATION NO. 987 & 988/88(T)

Applicant(s). (Appln. Dy. No. 325/88 in CAT)
(Dy. W.P. Nos. 591/86 and 1114/87 in H.C. of Karnataka)

Applicant(s)

Shri. S. M. Hunashal

To

1. Shri. S. M. Hunashal, M.A., B.ED.,
104, Hotel Lalit Mahal,
(opp. to K.S.R.T.C. Bus Stand),
Post: Bijapur - 586 101.

Respondent(s)

Principal, Sainik School, Bijapur.

At & Post HANDIGUND

Taluk - Raibag, Disr: Belgaum,

via - Magalkhod - 591235

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/ORDER/ORDER ORDER
passed by this Tribunal in the above said application(s) on 29-6-88.

Encl : As above

B. V. Venkatesh
DEPUTY REGISTRAR
(JUDICIAL)

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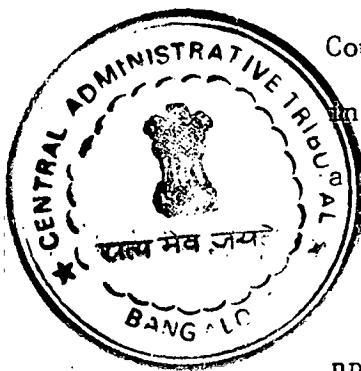
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