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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY,
CAMP AT PANAJI.

Original Application No.73/90.

Shri M.C.Jethani,

... Applicant.

V/s.

Government of Goa.

... Respondent.

Coram: Hon'ble Vice-Chairman, Shri P.K.Kartha,
Hon'ble Member(A), Shri M.Y.Priolkar.

Appearances:-

The applicant present in
person.

Respondents by Mr.H.R.Bharne.

Oral Judgment

Dated: 6.3.1990

(Per Shri P.K.Kartha, Vice-Chairman)

Present the applicant in person. Respondents by

Mr.H.R.Bharne. The applicant who has filed this application under section 19 of the Administrative Tribunals Act, 1985 is a Civil Judge, Junior Division, Margao. He has prayed that the respondents be directed to cancel its order whereby he was compulsorily retired from service w.e.f. 5.1.1990.

2. The learned counsel of the respondents has filed a short affidavit opposing the admission on the ground that this Tribunal has no jurisdiction to adjudicate upon the matter in view of the provisions of Section 2 of the Administrative Tribunals Act, 1985.

3. Under the provisions of Rule 2(c) of the Administrative Tribunals Act this Tribunal has no jurisdiction to adjudicate upon the service matter of Officers or Servants of Courts Subordinate to the High Court.

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4. The case of the applicant is that ~~if~~^a he stood retired from the permanent post of Assistant Public Prosecutor which was held by him and that this Tribunal has jurisdiction to adjudicate upon this case. He stated that he had tendered his resignation from the post of ad hoc Civil Judge, Junior Division and the same had been accepted by the Government, on 16.8.1988, this is being denied by the learned counsel for the respondents. The applicant has not, however, produced any document to substantiate his contention that his resignation from the post of ad hoc Civil Judge, Junior Division has been accepted by ~~the~~ Government. He also prays that the acceptance of ~~his~~ resignation could be discerned from the relevant file of the respondents which should be summoned by the Tribunal.

5. We do not consider it appropriate at this stage to call for the records of the respondents and to determine whether the applicant's resignation from the post of ad hoc Civil Judge has been accepted by the respondents or not. In our opinion, we cannot go into this question in the present proceedings as the documents on record clearly indicate that the applicant was a Civil Judge at the time of submission of his resignation to the Government and at the time of seeking voluntary retirement. In the circumstances, we are of the opinion that this Tribunal has no jurisdiction to adjudicate upon the grievances mentioned in the application. The applicant will however, be at liberty to move appropriate forum if he so wants. The application is, therefore, rejected at the admission stage as not maintainable. The parties will bear their own costs.


(M.Y. PRIOLKAR)
MEMBER (A)


(P.K. KARTHA)
VICE -CHAIRMAN