

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

(3)

NEW BOMBAY BENCH
CAMP AT PANAJIO.A. No. 745/90
~~ExXXXX~~

198

DATE OF DECISION 9.4.1991Mr. K.G. Sajnani

Petitioner

Ms. Winnie Menezes

Advocate for the Petitioner (s)

Versus

Government of Goa

Respondent

Mr. H.R. Bharne

Advocate for the Respondent (s)

CORAM

The Hon'ble Mr. P.S. Chaudhuri, Member (A)

The Hon'ble Mr. T.C. Reddy, Member (J)

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


(P.S. Chaudhuri)
Member (A)

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

Original Application No. 745/90

K.G. Sajnani,
House No. 804,
Shantiraj,
P.O. Fatorda,
(Margao) Goa,
Pin : 403 602.

... Applicant

v/s

Government of Goa represented by
The Chief Secretary,
Secretariat,
Panaji 403 601.

... Respondents

CORAM : Hon'ble Member (A), Shri P.S.Chaudhuri
Hon'ble Member (J), Shri T.C.Reddy

Appearances:

Ms. Winnie Menézes, Advocate,
for the applicant and Mr. H.R.
Bharne, Advocate, for the
respondents.

ORAL JUDGEMENT:

Dated : 9.4.1991

X Per. P.S.Chaudhuri, Member (A) X

This application under Section 19 of the Administrative Tribunals Act, 1985 was filed on 23.10.1990. In it applicant who is working as Assistant Engineer, Irrigation Department in Goa is challenging the order dated 31.5.1990 published in the Gazette of the Government of Goa dated 26.7.1990 in terms of which he has not been allotted for service to the Union Territory of Daman and Diu.

2. We have heard Ms. Winnie Menezes, learned Advocate for the applicant and Mr. H.R.Bharne, learned Advocate for the respondents.

3. The respondents oppose the admission of the application.

4. Mr. Bharne brings to our attention the Goa, Daman and Diu Reorganisation Act, 1987 in terms of which the impugned order has been passed. The provisions regarding allotment of persons belonging to other than the All India Services employed in connection with the affairs of the erstwhile Union Territory of Goa, Daman and Diu to the successors viz. State of Goa and Union Territory of Daman and Diu are contained in Section 60 of the said Act. This section also provides that no representation shall lie against any order passed by the competent authority on matters arising out of the division and integration of the services under this said Act, on the expiry of three months from the date of publication of such an order. It is the admitted position that the applicant submitted such a representation within the prescribed time limit of 29.8.1990. It is also the admitted position that this application is yet to be decided even though a period of more than six months has elapsed thereafter. Thus, although the period laid down in the Section 20(b) of the Administrative Tribunals Act, 1985 had not elapsed when the application was filed, it has since elapsed. Such being the position, we are of the opinion that the application can be disposed of at the admission stage itself with a suitable direction to the respondents. We are accordingly admitting the application and proceed to dispose of it with a suitable direction.

(6)

5. We accordingly direct that the application is disposed of with a direction to the respondents to send the applicant's representation dated 29.8.1990 to the appropriate authority, if not already sent, for passing final orders within a period of six months from the date of receipt of this order. If the applicant continues to be remained aggrieved after such final orders are passed he is at liberty to approach this Tribunal afresh. In the circumstances of the case there will be no order as to costs.

T.C.R.
(T.C. Reddy)
Member (J)

P.S.Chaudhuri
(P.S.Chaudhuri)
Member (A)

1
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

C.P.No.73/91
D.A.No.745/90

K.G.Sajnani,

....Applicant

v/s

Government of Goa,
represented by the Chief Secretary,
Secretariat,
Panaji-403601

....Respondent

CORAM : HON'BLE MEMBER USHA SAVARA, MEMBER(A)

HON'BLE MEMBER SHRI J.P.SHARMA, MEMBER(J)

Appearance:

Mr.Menezes, Adv.
for the applicant.

Mr.R.R.Bharne, Adv.
for the respondents.

TRIBUNAL'S ORDER

22nd JUNE 1992

The applicant, K.G.Sajnani, moved this contempt petition against the Government of Goa as well as Union of India being aggrieved by non-compliance with the directions given in the D.A.No.745/90 in the order dated 9.4.1991. By that order, the Division Bench directed, that the representation of the applicant be forwarded to the Appropriate authority, if not already sent, for passing final order within a period of six months from the date of receipt of this order. If the applicant continued to be aggrieved after such final orders were passed, he was at liberty to approach this Tribunal afresh.