

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

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NEW BOMBAY BENCH

CAMP AT PANAJI

O.A. No. 575/90

TxAxxNo.

198

DATE OF DECISION 7.1.1992

Smt. Soba D. Desai

Petitioner

Mr. S. V. Nabar

Advocate for the Petitioner(s)

Versus

State of Goa & Ors.

Respondent

Mr. H. R. Bharne

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. Justice U.C. Srivastava, V/C

The Hon'ble Mr. A.B. Gorthi, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement?
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?

(U.C. Srivastava)
V/C

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

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Original Application No. 575/90

Smt. Soba D. Desai,
A.N.M. Staff Nurse, Goa Medical
College, Panaji.

... Applicant

V/s

1. The State of Goa through
its Secretary (Personnel),
Secretariat, Panaji.

2. Secretary (Health),
Govt. of Goa, Public Health
Dept., Secretariat, Panaji.

3. Dean, Goa Medical College,
Panaji, Goa.

... Respondents

CORAM : Hon'ble Vice-Chairman, Shri Justice U.C.Srivastava
Hon'ble Member (A), Shri A.B.Gorthi

Appearances:

Mr. S.V.Nabar, Advocate
for the applicant and
Mr. H.R.Bharne, Counsel
for the respondents.

ORAL JUDGMENT:

Dated : 7.1.1992

(Per. U.C.Srivastava, Vice-Chairman)

By means of this application the applicant has
prayed for an issue of Writ of Certiorari or any other
appropriate Writ, order or direction quashing and setting
aside the impugned order dated 6.1.1989 and 5.1.1990 of
the Dean, Goa Medical College and Secretary Health
respectively and has also prayed for a direction to the
respondents to dispose of her representation dated 16.1.90.
By the impugned order dated 6.1.1989 the applicant's
services have been terminated on account of overstaying the
leave. The applicant is claiming reliefs against the
State of Goa and its officials. A preliminary objection

has been raised on behalf of the respondents that this Tribunal has no jurisdiction as no Writ can be issued to the State Government or its employees. In this connection reference has been made to the decision of the Bombay High Court in the case of P.S. Jadav and 3 ors. vs. State of Goa and 34 ors, reported in 1990(1) Goa Law Times, page 111, which matter now has been also been upheld by the Supreme Court in the Civil Appeal Nos. 3554-55 of 1990 decided on 20.8.1991, State of Goa & Ors. v. Satish L.S. Kundehadkar & Ors. The applicant's services were terminated in the year 1990 by the Goa Administration. Now the Supreme Court has observed that for the Central Government servants allotted to the State of Goa, the jurisdiction will be that of the High Court until a State Administrative Tribunal is constituted and as far as the Central Government Servants not allotted to the State are concerned the jurisdiction will be that of the Central Administrative Tribunal. The applicant was allotted the State of Goa and was working with State of Goa when her services were terminated. Accordingly this Tribunal has no jurisdiction over the matter. Let the papers be returned to the applicant (and place one copy in the record of the Tribunal) for approaching the competent court of law in this behalf. The application stands disposed of finally in these terms. No order as to costs.

Shantaram

(A.B. Garthi)
Member (A)

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(U.C. Srivastava)
Vice-Chairman