

5/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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(SEE RULE - 4)

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI

ORDER SHEET

Original Application No. : T.A. 17/03
Misc. Petition No. _____
Contempt Petition No. _____
Review Application No. _____

Applicant(s): Surender Singh Bhunia

- Vs. -

Respondent(s): K.V.S. Jom

Advocate for the Applicant(s): Mr. M.A. Ahmed

Advocate for the Respondent(s): K.V.S.

Notes of the Registry	Date	Order of the Tribunal
<p>Application is in form but not in time Registration Petition is Filed / not C.F. or Rs. 50/- paid De IPO/1. Transfer from Cachar Civil Judge, Cachar</p> <p>By Registrar [Signature]</p> <p>The case is transfer from the civil Judge, Silchar vide NO.T.S. 51/96 and registered as T.A 17/03 (T.S. 51/96)</p> <p>Laid before Hon'ble Court for orders.</p> <p>Deputy Registrar [Signature] 29/1/03</p> <p>Deputy Registrar is directed to verify the matter and thereafter put up before the Bench.</p> <p>[Signature] Vice-Chairman</p>	24.3.03	<p>Present : The Hon'ble Mr Justice D.N.Chowdhury, Vice-Chairman The Hon'ble Mr S.Biswas, Admn.Member.</p> <p>perused the order dated 12.4.02 passed by the learned Civil Judge, Senior Division, Cachar, Silchar sending the record to this Bench.</p> <p>Heard Mr M.K.Mazumdar, learned counsel for the respondents. None present for the applicant.</p> <p>If the learned Civil Judge found that the suit was not maintainable for want of jurisdiction it was open before him to act as per law and dismiss the suit as not maintainable on the ground of jurisdiction.</p> <p>Office is accordingly directed to remitt the record to the learned Civil Judge, Cachar, Silchar to take appropriate steps as per law to avoid any further delay in the matter.</p> <p>[Signature] Member</p> <p>[Signature] Vice-Chairman</p>

27.2.2003

pg

P.T.O

Reference to the kind direction of the Hon'ble Vice-Chairman.

Section 29 of the Administrative Tribunals Act, 1985 reads as follows:


29(1) Every suit or other proceeding pending before any court or other authority immediately before the date of establishment of the Tribunal under this Act, being a suit or proceeding the cause of action whereon it is based is such that it would have been, if it had arisen after such establishment, within the jurisdiction of such Tribunal, shall stand transferred on that date to such Tribunal:

Section 29,N.3 regarding transfer of pending cases reads as follows:

" As only pending cases are to be transferred, cases instituted in other courts and tribunals after the relevant date are not to be transferred. They can be dismissed by those courts on ground of want of jurisdiction."

Since the learned Civil Judge, Cachar has passed a judicial order on 12.4.2002, the case is placed before the Hon'ble Bench for appropriate directions.

18.3.2003


Deputy Registrar

BY REGISTERED POST.सं०/No. **CAI/GHY/56/Judl.** 293

केन्द्रीय प्रशासनिक अधिकरण,
गुवाहाटी न्यायपीठ, गुवाहाटी,
राजगढ़ रोड, गुवाहाटी-५

Central Administrative Tribunal

Guwahati Bench,
Rajgarh Road, Bhangagarh,
GUWAHATI-781 005

दिनांक/Date **28/03/2003.****To**

The Civil Judge,
Senior Division No.2
Cachar, Silchar.

Sub:- Transfer of records of T.A. 17/2003 (T.S. 51/1996).
Surinder Singh Sharma ~~6V56~~ Vs K.V.S. & ors)

Sir,

I am directed to remit the records of T.A. 17/03
(T.S. 51/96) Surinder Singh Sharma-Vs- K.V.S. & ors as per
the Hon'ble Court's order dated 24.3.03 for favour of your
kind information and appropriate action.

Yours faithfully,

Encls:- A and B files.

DEPUTY REGISTRAR.