

CWP Nos. 1989, 4266, 9133, 18008, 19471 (O&M), 25122, 24021, 25689, 27388 of 2016
CWP Nos. 4754, 8100, 10499, 11228, 14946, 15879, 16202, 16559, 17180, 17864, 20648, 24146, 26157, 28350 of 2017
CWP Nos. 75, 171, 661, 10334 (O&M), 12220, 14350, 15304, 17067, 17607, 18742, 19283, 20668, 20772, 21109, 21329, 21341, 26918, 23517 of 2018
CWP No. 12200 of 2019

[1]

Om Kumari and anr. v. State of Haryana and Ors.

Present: None.

A notification under Section 4 (2) of the Administrative Tribunals Act, 1985 (hereinafter referred to as the 'Act') has been published in the Gazette of India on 24.07.2019 by the Central Government establishing the 'Haryana Administrative Tribunal' w.e.f. the date of publication of the notification in the Gazette of India. Section 29 of the Act deals with transfer of pending cases and reads as under :-

“29. Transfer of pending cases.—

(1) Every suit or other proceeding pending before any court or other authority immediately before the date of establishment of a 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:

Provided that nothing in this sub-section shall apply to any appeal pending as aforesaid before a High Court.

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(2) Every suit or other proceeding pending before a court or other authority immediately before the date with effect from which jurisdiction is conferred on a Tribunal in relation to any local or other authority or corporation 57 [or society], 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 the said date, within the jurisdiction of such Tribunal, shall stand transferred on that date to such Tribunal:

Provided that nothing in this sub-section shall apply to any appeal pending as aforesaid before a High Court

Explanation.—For the purposes of this sub-section “date with effect from which jurisdiction is conferred on a Tribunal”, in relation to any local or other authority or corporation 57 [or society], means the date with effect from which the provisions of sub-section (3) of section 14 or, as the case may be, sub-section (3) of section 15 are applied to such local or other authority or corporation 57[or society].

(3) Where immediately before the date of establishment of a Joint Administrative Tribunal any one or more of the States for which it is established, has or have a State Tribunal or State Tribunals, all cases pending before such State

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Tribunal or State Tribunals immediately before the said date together with the records thereof shall stand transferred on that date to such Joint Administrative Tribunal.

Explanation.—For the purposes of this sub-section, “State Tribunal” means a Tribunal established under sub-section (2) of section 4.

(4) Where any suit, appeal or other proceeding stands transferred from any court or other authority to a Tribunal under sub-section (1) or sub-section (2),—

(a) the court or other authority shall, as soon as may be after such transfer, forward the records of such suit, appeal or other proceeding to the Tribunal; and

(b) the Tribunal may, on receipt of such records, proceed to deal with such suit, appeal or other proceeding, so far as may be, in the same manner as in the case of an application under section 19 from the stage which was reached before such transfer or from any earlier stage or de novo as the Tribunal may deem fit.

(5) Where any case stand transferred to a Joint Administrative Tribunal under sub-section (3), the Joint Administrative Tribunal may proceed to deal

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with such case from the stage which was reached before it stood so transferred.

[(6) Every case pending before a Tribunal immediately before the commencement of the Administrative Tribunals (Amendment) Act, 1987, being a case the cause of action whereon it is based is such that it would have been, if it had arisen after such commencement, within the jurisdiction of any court, shall, together with the records thereof, stand transferred on such commencement to such court.]

[(7) Where any case stands transferred to a court under sub-section (6), that court may proceed to deal with such case from the stage which was reached before it stood so transferred.]

In terms of Section 29 of the Act read with the aforementioned notification, matter's pending before a Court before the date of establishment of a Tribunal under the Act, 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.

Accordingly, in view of the above, the case being covered by the notification is hereby ordered to be transferred to the Haryana Administrative Tribunal, Haryana, constituted by the

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Central Government under Section 4(2) of the Administrative Tribunals Act, 1985 vide notification published in the Gazette of India on 24.07.2019. Necessary action be taken forthwith in view of the notification.

Photocopy of this order be placed on the files of other connected cases.

29.07.2019
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(B.S. Walia)
Judge