

(2010) 07 BOM CK 0205

In the Bombay High Court

Case No : Writ Petition No. 488 Of 2010

Mr. Gurudas Waman Naik Dalal alias Datta Waman Naik Dalal and Mrs. Sheela Datta Naik Dalal, both **APPELLANT**

Vs

Mrs. Laxmi Keshav Naik, alias Laxmi Rajaram Naik and Mr. Ganpat Keshav Naik alias Vinayak Rajaram Naik, both **RESPONDENT**

Date of Decision : 23-07-2010

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (2010) 07 BOM CK 0205

Hon'ble Judges : N.A. Britto, J

Bench : Single Bench

Advocate : M. S. Joshi, for the Appellant;

Judgement

N.A. Britto, J.—Heard. In compliance of this Court's Order dated 29-6-2010, the President of Administrative Tribunal has sent his reply dated 6-7-2010. A list is enclosed with the reply and this list shows that 129 cases are pending for Judgment and 40 cases are pending for delivery of copies. The reply also mentions that the Hon"ble Chief Justice of this Court more than a year back had instructed the Government to provide the Tribunal with one more stenographer. The reply is silent as to what instructions were given by the Hon"ble Chief Justice to the President of the Tribunal as regards timely delivery of Judgments and/or the assurance given by him. Certainly, the learned President did not come to complain to the Hon"ble Chief Justice, that he had no stenographer. Such a large pendency of cases awaiting Judgments to be delivered must be a record of sorts in the State of Goa. The reply also shows that there is inadequate infrastructure for the smooth functioning of the Tribunal.

2. The Division Bench of this Court(to which I was a party), in PIL No.2/2008 by Judgment dated 1-4-2008 had directed the State Government and all concerned authorities to provide proper staff and infrastructure to the newly appointed person within the same period. That direction was in relation to the Additional

President of the Administrative Tribunal, but, certainly it did not mean that there should be lack of infrastructure at the Administrative Tribunal.

3. This is not the first time that complaints have been made regarding gross delay in delivery of Judgments before the Administrative Tribunal. This calls for action to be taken in the light of the Judgment of this Court in Writ Petition No.281/06(2006(2) G.R.L. 343) by the Chief Secretary.

4. The reply also shows that there is more work at the Administrative Tribunal, and less work with the Additional Administrative Tribunal, and in the words of the President of the Administrative Tribunal, the total pendency before him is of about 3012 matters which includes matters of the Co-operative Tribunal as well as the Municipal Appellate Tribunal; whilst the Additional President of the Tribunal has only 502 cases and there are no matters awaiting Judgment!

5. The Government in the aforesaid Writ Petition No. PIL 2/2008 had given assurance to this Court that the Government will set up a separate Administrative Tribunal for South Goa within a period of six months from that day. That period is over. More than two years have lapsed since then, and it is seen that the Additional President still functions at Panaji though only the work relating to South Goa has been allotted to him in terms of the Government decision and the direction of this Court in para 31(5) of the aforesaid Judgment. It is time, considering the large pendency, for the Government to consider appointment of Additional President to the Administrative Tribunal(North Goa) who could handle 507 matters of Municipal Appellate Tribunal and 498 cases of Co-operative Tribunal or till that is done transfer some of the cases to the Additional President as long as his office is not shifted to South Goa.

6. The power of superintendence is vested in the Court under Articles 226, 227 of the Constitution. This Court cannot ignore the prevalent state of affairs as it adversely affects the state of administration of justice in the State of Goa. Can the Government make a statement as to when 2007 + 507 + 498 cases will be decided assuming that there is no fresh filing of cases?

7. Notice to the State Government through the Chief Secretary to respond to the three points raised hereinabove i.e.:

(a) Inadequate staff to the Administrative Tribunal.

(b) Action to be taken in terms of Judgment in (2006(2) GLR 343).

(c) Appointment of Additional President for North Goa and/or till that is done redistribution of the work between the President and Additional President.

8. Notice returnable in two weeks i.e. 6-8-2010.

9. Shri M. Salkar, the learned Additional Government Advocate waives notice. Shri M. S. Joshi, learned Counsel, has also expressed the view that in addition to the matters enlisted there may be many more cases of Judgments pending for delivery. This aspect and the matter as regards further directions to be issued for

delivery of Judgments/certified copies, will be considered after hearing the Government's point of view.