

(1992) 09 SC CK 0106

In the Supreme Court Of India

Case No : Slp (Civil) Nos. 13498-99 Of 1991

State of Orissa

APPELLANT

Vs

Dhuliram Patnaik and Others

RESPONDENT

Date of Decision : 18-09-1992

Acts Referred:

Citation : (1993) 3 SCC 738 Supp

Hon'ble Judges : P. B. Sawant, J;N. P. Singh, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

1. IN these proceedings, the first order was passed by this court on 3/09/1991 . At that time, there was a proposal initiated by the Government to increase the number of members of the tribunal to four with the new Chairman appointed earlier. It was then hoped that with the increase in the number, it was possible for the State government to comply with the impugned order of the High court by allowing one bench to operate at Bhubaneswar and the other at Cuttack, leaving it open to the Chairman to require the members of the Cuttack bench to go back to Bhubaneswar as and when there was no work pending at Cuttack.

2. ON 20/08/1992, another order was passed by this court by which the learned Attorney General appearing for the State government, was asked to ascertain from the State government whether it would be possible for the State government to have two benches: one at Bhubaneswar and the other at Cuttack with filing facilities at both the places and having a Statewise jurisdiction for each of the benches giving a choice to the petitioner to choose the forum. The learned Attorney General was further requested to ascertain the time-frame within which these arrangements could be made. The matter was adjourned for the purpose till this date.

3. AFTER hearing learned counsel for both sides, we find that there will be no difficulty in having two benches of the tribunal, as envisaged by us, one at

Cuttack and the other at Bhubaneswar. In modification of all our earlier orders and in modification of the impugned order of the High Court, we direct as follows:

The RE will be a bench of the State Administrative tribunal each at Cuttack and Bhubaneswar with the Principal bench at Bhubaneswar. The filing of matters will be permitted at each of the benches according to the choice of the petitioner and each of the benches will have jurisdiction over the matters filed at the respective benches. Both the benches will have Statewise jurisdiction. It will be permissible to transfer matters which are already filed at each of the benches, to the other bench with the consent of both the parties and on the orders of the Chairman.

The Chairman will be at liberty to transfer the members as well as to ask them to sit at either of the places for such time as the exigencies of the work may require.

4. The SE arrangements will come into operation within one week from today. This order also disposes of the contempt petition pending before the High court.

5. The special leave petitions are, thus, disposed of.

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Court Masters Appendix (BEFORE RANGANATHMISRA, C.J. and p.B. SAWANT, J.)
(Record of Proceedings) APPELLANT : STATE OF Orissa RESPONDENT : D. PATTANAYAK AND OThe RS APPEAL TYPE : SPECIAL LEAVE PETITION (Civil)
APPEAL NUMBERS : 13498 AND 13499 APPEAL YEAR : 1991 JUDGEMENT DATE : 3/09/1991
From the Judgment and Order dated 16/04/1991 of the High court of Orissa at Cuttack in OJC Nos. 1971 & 2001 of 1986 ORDER 1. We have heard learned Attorney General in support of the petition. We have not considered it appropriate to issue notice to the respondents as we are not substantially interfering with the impugned order of the High Court. 2. The State tribunal for quite some time had only three members including the Chairman. There is already a proposal initiated by the Government to make it a four-member tribunal with the new Chairman appointed a month back. In that view of the matter, the order of the High Court can be easily complied with by allowing one bench to operate at Bhubaneswar and other bench at Cuttack and leaving it open to the Chairman to require the members of the Cuttack bench to go back to Bhubaneswar as and when there is no pending work to be handled by the Cuttack bench. 3. In view of what we have said the direction given by the High court to the Chairman of the State tribunal is deleted. 4. This arrangement should be worked out with effect from October 1, 1991. With these observations the special leave petitions are disposed of.