

The Chhattisgarh Rajya Prashasnik Adhikaran (Lambit Evam Nirakrit Avedano Ka Antaran) Adhiniyam, 2004

CHHATTISGARH

India

The Chhattisgarh Rajya Prashasnik Adhikaran (Lambit Evam Nirakrit Avedano Ka Antaran) Adhiniyam, 2004

Act 5 of 2004

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The Chhattisgarh Rajya Prashasnik Adhikaran (Lambit Evam Nirakrit Avedano Ka Antaran) Adhiniyam, 2004 C.G. Act No. 5 of 2004 [Dated 5th April, 2004] Received the assent of the Governor on the 5th April, 2004; assent first published in the Chhattisgarh Rajpatra (Asadharan), dated the 5-4-2004. An Act to provide for the transfer of applications and cases pending before and decided by the Chhattisgarh State Administrative Tribunal which has been abolished by the Government of India vide its Notification No. GSR-(E) dated 17th April, 2003 published in the Gazette of India. Be it enacted by the Chhattisgarh Legislative Assembly in the Fifty-fifth Year of the Republic of India as follows :-

1. Short title, extent and commencement.

(1) This Adhiniyam may be called the Chhattisgarh Rajya Prashasnik, Adhikaran (Lambit Avam Nirakrit Avedano Ka Antaran) Adhiniyam, 2004. (2) It extends to the whole of the State of Chhattisgarh. (3) It shall come into force from the date of its publication in the official Gazette.

2. Definitions.

- In this Adhiniyam, unless the context otherwise requires, - (a) "Application" means application made under Section 19 of the Administrative Tribunals Act, 1985 (No. 13 of 1985) and includes other applications made under the aforesaid Act; (b) "Appointed day" means the 17th day of April, 2003 in which the notification dated 17th April, 2003 of the Government of India was published in the Gazette of India for abolition of Tribunal; (c) "Tribunal" means the Chhattisgarh State Administrative Tribunal and bench established under sub-section (2) of Section 4 of the Administrative Tribunals

Act, 1985 (No. 13 of 1985).

3. Transfer of pending and disposed off cases and applications.

(1) Any suit or other proceeding in relation to recruitment, and matters concerning recruitment to any civil service of the State of Chhattisgarh or to any civil post under the State of Chhattisgarh service matter concerning a person appointed to any civil service of the State of Chhattisgarh and pertaining to the service of such person in connection with the affair of the State of Chhattisgarh, which was transferred by any Civil Court of Chhattisgarh State was pending before the Tribunal on the appointed day shall stand transferred back to the same Civil Court and in case such Court is not in existence, then to the Court of competent jurisdiction in its place and such Court shall proceed to dispose off the same as if it were suit under the Code of Civil Procedure, 1908 (No. 5 of 1908). (2) Every proceeding of a case in relation to recruitment, and matters concerning recruitment to any civil service of the State of Chhattisgarh or to any civil post under the State of Chhattisgarh service matters concerning a person appointed to any civil service of the State of Chhattisgarh and pertaining to the service of such person in connection with the affairs of the State of Chhattisgarh which was transferred by the Chhattisgarh, High Court to the Tribunal and was pending before the Tribunal on the appointed day, shall stand transferred to the High Court of Chhattisgarh. (3) Every proceeding of a case in relation to recruitment, and matters concerning recruitment of any civil service of the State of Chhattisgarh or to any civil post under the State of Chhattisgarh service matters concerning a person appointed to any civil service of the State of Chhattisgarh and pertaining to the service of such person in connection with the affairs of the State of Chhattisgarh, which was filed in the Tribunal as original application and was pending on the appointed day, shall stand transferred to the High Court of Chhattisgarh. (4) Where any case or proceeding of the Tribunal stands transferred to any Civil Court or the High Court of Chhattisgarh under sub-section (1), (2) or (3), the record of such case or proceeding, shall be forwarded, as the case may be to the Civil Court or the High Court of Chhattisgarh. (5) On receipt of such record, the Civil Court or the High Court of Chhattisgarh, as the case may be, may take such further proceedings from the stage existing immediately prior to the transfer or from any previous stage, as the Civil Court or the High Court of Chhattisgarh may deem fit. (6) The record of all cases/applications decided by the Tribunal upto the appointed day shall be transferred to the High Court of Chhattisgarh and concerned Civil Courts respectively.

4. Power to make rules.

(1) The State Government may by notification make rules for carrying out the purposes of this Act. (2) All rules made under this Act shall be laid on the table of the Legislative Assembly.