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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.3314/2002
M.A.NO.1047/2003

Friday, this the 31st day of October, 2003

Hon'ble Shri Kuldip Singh, Member (J)
Hon'ble Shri S. K. Naik, Member (A)

1. Farooq Sagheer
Junior Account Assistant
Diesel Locomotive Works
Varanasi, Uttar Pradesh

2. Shailli Goej
Junior Account Assistant
Diesel Locomotive Works
Varanasi, Uttar Pradesh

(By Advocate: Shri Amit Kumar)

...Applicants

VERSUS

1. The Secretary (Accounts)
Ministry of Railway,
Railway Board,
Rail Bhawan, New Delhi-1

2. General Manager
Diesel Locomotive Works
Varanasi, Uttar Pradesh

3. Manjit Singh Bhatia
Financial Adviser
And Chief Accounts
Officer, DLW Varanasi
Uttar Pradesh

4. Rewati Raman Singh
Junior Account Assistant
Financial Adviser
And Chief Accounts
Officer, DLW Varanasi
Uttar Pradesh

5. Umair Asir
Junior Account Assistant
Financial Adviser
And Chief Accounts
Officer, DLW Varanasi
Uttar Pradesh

6. Naresh Pal Singh
Junior Account Assistant
Financial Adviser
And Chief Accounts
Officer, DLW Varanasi
Uttar Pradesh

7. P.S.Gidhi
Junior Account Assistant
Financial Adviser
And Chief Accounts

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Officer, DLW Varanasi
Uttar Pradesh

8. Shilajet Chakravorty
Junior Account Assistant
Financial Adviser
And Chief Accounts
Officer, DLW Varanasi
Uttar Pradesh

9. Ghansyam Dubey
Junior Account Assistant
Financial Adviser
And Chief Accounts
Officer, DLW Varanasi
Uttar Pradesh

10. Rajeev Kumar Ranjan
Junior Account Assistant
Financial Adviser
And Chief Accounts
Officer, DLW Varanasi
Uttar Pradesh

...Respondents

(By Advocate: Shri Rajinder Khatter)

O R D E R (ORAL)

Shri Kuldip Singh:-

Heard both the learned counsel.

2. The applicants have filed this OA assailing the order dated 28.11.2002 (page 63 of the paper book) whereby Indian Railways Diesel Locomotive Works, Varanasi had decided the representation of the applicants in pursuance of an order passed in OA-2010/2002.

3. The facts in brief are that the applicants are working as Accounts Clerk in the Diesel Locomotive Works, Varanasi. They were promoted as Junior Account Assistants in the year 1996 on permanent basis. Thereafter, it is stated that the seniority list was issued wherein the applicants were shown juniors to their counter-parts. Then the seniority list was revised on 31.3.2000 wherein promotees were shown senior to the direct recruits. However, on 17.10.2001, the seniority



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list was revised and the promotees were again shown juniors as compared to their direct counter-parts but the fact is that they all are working under Diesel Locomotive Works, Varanasi. Seniority list is maintained by Diesel Locomotive Works, Varanasi and the impugned order is also alleged to have been issued by Varanasi Office. So the respondents have taken a preliminary objection that the Principal Bench of this Tribunal has no territorial jurisdiction to entertain the case as the cause of action has arisen only at Varanasi. This fact was also pointed out on 18.7.2003 when the learned counsel appearing on behalf of the applicants, having realised the objection, sought an adjournment to make a PT before the Hon'ble Chairman under Section 25 of Administrative Tribunals Act, 1985. A PT was in fact moved thereafter but for the reasons best known to applicants' counsel, the said PT was withdrawn.

4. Now the learned counsel for the respondents submits that he had withdrawn a PT because he had come to know about the letter - page 96 of the paper book - written by the Railway Board to General Manager, Diesel Locomotive Works, Varanasi and Board pointed out that a serious view of DLW's action in diverting the direct recruitment quota posts of JAs for adhoc promotion of Appendix II qualified Accounts Clerk without their prior approval and have not, therefore, approved of your proposal for regularisation of such promotion with effect from the date of their adhoc promotion. Learned counsel for the applicants submits that since this letter has been issued by the Railway Board, so the part of cause of



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action has arisen at New Delhi and the Principal Bench of the Tribunal has the jurisdiction to try the application. Besides that, applicants' counsel further submitted that the applicants had earlier filed OA-2010/2002 which was entertained by the Principal Bench at New Delhi. The same was allowed and the impugned order has been passed in terms of the directions given by the Tribunal. On that count also, the part of cause of action has arisen at New Delhi. Hence the Principal Bench has got the territorial jurisdiction over the matter.

5. We have considered the points raised by the learned counsel for applicants. At the outset, we may mention that if an order has been passed by a judicial side of a Court that does not give any cause of action. At best, the same can be challenged before the superior courts but no fresh cause of action will arise to file a petition before a particular Bench having no territorial jurisdiction in the same. As regards the letter written by the Railway Board to the General Manager, Diesel Locomotive Works is concerned, we find that it also does not give any cause of action to the applicants because that has nothing to do with the seniority list issued by the Diesel Locomotive Works, Varanasi as the letter simply states that as to how an erroneous action has been taken by the General Manager, Diesel Locomotive Works by diverting the direct recruitments quota posts of JAAs for ad hoc promotion of Appendix II qualified Accounts Clerks without the prior approval of the Board and, therefore, the proposal was not approved for regularisation. So that itself does not give any cause of action or even a



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part of cause of action which may be said to have arisen at New Delhi. Thus, we are of the considered opinion that the Principal Bench has no territorial jurisdiction to entertain the cause of action since the applicants are working at Varanasi and the impugned seniority list has also been issued by the Varanasi Office. Therefore, the Principal Bench has no territorial jurisdiction to decide the matter.

6. In the circumstances, OA is dismissed. However, the applicants are at liberty to approach the appropriate forum, if so advised.



(S.K. Naik)
Member (A)

/sunil/



(Kuldip Singh)
Member (J)