

(4)

Central Administrative Tribunal
Principal Bench

O.A. No. 1184 of 2001

New Delhi, dated this the 30th October 2001.

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri Teju Ram,
S/o late Shri Ram Dass,
Working under Chief Administrative Officer (Cons.)
Northern Railway,
Kashmere Gate,
Delhi-110006.

.. Applicant

(By Advocate: Shri K.K. Patel)

Versus

Union of India through

1. The General Manager,
Northern Railway,
Baroda House,
New Delhi-110001.
2. Chief Administrative Officer (Const.)
Northern Railway,
Kashmere Gate,
Delhi-110006.
3. Divisional Railway Manager,
Northern Railway,
Ferozpur Division,
Ferozpur, Punjab.
4. Dy. Chief Engineer (Const.),
Northern Railway,
Jalandhar City,
Jalandhar, Punjab.

.. Respondents

(By Advocate: Shri B.S. Jain)

ORDER

S.R. ADIGE, VC (A)

Applicant who joined the Railways as casual khallasi, and ~~claims~~^{averts} that since the initial date of appointment was put to work as typist, claims the salary and other benefits while shouldering higher responsibilities as Typist from 25.2.84 till date.

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2. In Para 4.1 of the O.A. applicant asserts that he has been entrusted the typing work etc. of office of Dy. C.E. (Construction), Jodhpur but the annexure to the O.A. spelling out the duties and functions of applicant indicate that applicant as discharging ^{his} ~~the~~ functions in Jullundar City.

3. Respondents' counsel has taken the preliminary objection that applicant's O.A. is hit by lack of jurisdiction in terms of Rule 6 A.T. (Procedure) Rules. Reliance is placed on CAT, P.B. order dated 11.1.2000 in O.A. No. 1097/97 S.K. Malik Vs. Union of India & Others in which the CAT, Full Bench order in A.K. Singh & Anr. Vs. Union of India & Others (Full Bench judgment of CAT 1991-99 Vol.III Page 77) have been discussed.

4. These preliminary objections which have also been taken by respondents in their reply have not been denied by applicant in any rejoinder.

5. We are satisfied that in terms of Rule 6 CAT Procedure Rules read with the Tribunal's order in S.K. Malik's case (supra), the preliminary objection raised by respondents have to be sustained, Whether applicant is working in Jodhpur or Jullundar there are no materials to establish that applicant is presently posted under the jurisdiction of CAT, P.B. and no materials have been furnished to establish that the cause of action either in full or in part falls under the jurisdiction of CAT, P.B., New Delhi.

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Applicant has also not cared to obtain any order of the Hon'ble Chairman for retention of this O.A before Principal Bench of the Tribunal.

6. During hearing applicant's counsel urged that neither Jodhpur nor Jullundar offices were in a position to grant the reliefs prayed for by him and it is only Delhi Headquarters where applicant's grievances could be redressed.

7. We are unable to agree with him. An O.A. can be filed at the Bench where the applicant is for the time being posted, or where the cause of action wholly or in part arose. Applicant is not posted in Delhi and no materials have been shown to us to establish that the cause of action has arisen even in part in Delhi.

8. The preliminary objection is, therefore, sustained and the O.A. is dismissed for lack of jurisdiction, giving leave to applicant to approach the appropriate forum if so advised.

A. Vedavalli

(Dr. A. Vedavalli)
Member (J)

S.R. Adige

(S.R. Adige)
Vice Chairman (A)

Karthik