

Central Administrative Tribunal
Principal Bench

O.A. 2170/99

with

O.A. 2171/99 ✓

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New Delhi this the 12th day of May, 2000

Hon'ble Sat. Lakshmi Swaminathan, Member(J).

O.A. 2170/99

1. Shri Dharam Pal, son of
Shri Jai Narain,
R/o T-510/C-58, Patel Nagar,
New Delhi.
2. Shri Babu Ram, son of
Shri Hari Ram,
R/o Village- Bhagilla,
Palwalt (Haryana).
3. Shri Bhim Singh, son of
Shri Prabhati Lal,
WZ-1, Palam,
Delhi.
4. Shri Tribhubhan Singh, son of
Shri Kameshwar,
P-123, Old Palam Gaon,
Sarojini Nagar,
New Delhi-110 023.

... Applicants.

(By Advocate Shri O.P. Khokha)

Versus

Union of India through

1. The Secretary,
Ministry of Urban Development,
Nirman Bhawan, New Delhi-110 011.
2. The Director General of Works,
Central Public Works Department,
Ministry of Urban Development,
Nirman Bhawan, New Delhi-110 011.
3. The Chief Engineer (DD-2),
Sewa Bhawan (2nd Floor),
R.K. Puram,
New Delhi-110 066.
4. The Superintending Engineer,
Central Public Works Department,
N.S.G. Project,
Manesar
Distt. Gurgaon (Haryana).

... Respondents.

(By Advocate Shri Rajeev Bansal)

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O.A.2171/99

1. Shri Mahesh Kumar, son of
Shri Bharat Singh,
R/o P-34, Old Palam Gaon,
Sarojini Nagar,
New Delhi-110 023.
2. Shri Rajender Kumar, son of
Shri Mehenti Singh,
R/o A-8/609, Amar Colony,
Harijan Basti,
Poorvi Gokal Puri,
Delhi-110 094.
3. Shri Chaman Lal, son of
Shri Lekhi Ram,
R/o Village Narangpur,
Distt. Gurgaon (Haryana).
4. Shri Amar Nath, son of
Shri Imrat,
R/o B-1/234, Sultan Puri,
Delhi.

... Applicants.

(By Advocate Shri O.P. Khokha)

Versus

Union of India through

1. The Secretary,
Ministry of Urban Development,
Nirman Bhawan, New Delhi-110 011.
2. The Director General of Works,
Central Public Works Department,
Ministry of Urban Development,
Nirman Bhawan, New Delhi-110 011.
3. The Chief Engineer (DD-2),
Sewa Bhawan (2nd Floor),
R.K. Puram,
New Delhi-110 066.
4. The Superintending Engineer,
Central Public Works Department,
N.S.G. Project,
Manesar
Distt. Gurgaon (Haryana).

... Respondents.

(By Advocate Shri Rajeev Bansal)

O R D E R

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

The learned counsel for the parties have submitted
that the facts and issues raised in both the O.As (O.A.2170/99

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and O.A. 2171/99) are identical and hence they are being disposed of by a common order. For the sake of convenience, the facts and issues raised in O.A. 2170/99 have been referred to.

2. The respondents have in their reply filed on 21.2.2000 to the O.A. taken a preliminary objection regarding jurisdiction of the Principal Bench of the Tribunal hearing these cases in Paragraphs 2-3.

3. The applicants have filed rejoinder on 24.3.2000 and controverted the above averments. They have relied on Annexure A-3 order and Shri O.P. Khokha, learned counsel for the applicants states that since this has been issued from the office of Chief Engineer, NSG Project, CPWD, New Delhi, the Principal Bench has jurisdiction in the matter. He has also submitted that the applicants have impugned the order issued by the Director General of works, CPWD dated 25/30.4.1997 and there is, therefore, no merit in the contention of the respondents that the Principal Bench of the Tribunal does not have jurisdiction in the matter. They have, however, admitted that the applicants are working in NSG Project, Manesar, District Gurgaon, State of Haryana, with Respondent 4. Although they have submitted that they were appointed by the other respondents, namely, Respondents 1-3 who are in New Delhi, but they have not placed on record any such appointment order issued by the competent authority at New Delhi and, in fact, ^{have} relied on the work order sheets issued to them by the Assistant Engineer (Electrical) IV, NSGP, Elect. Division-I, C.P.W.D., Manesar, Gurgaon (Annexure A-5).

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4. Shri Rajeev Bansal, learned counsel for the respondents has contended that as there is no prayer made by the applicants for quashing the order issued by Respondent 1 dated 30.4.1997, the O.A. is also not maintainable and the same is also barred by limitation. This has been stoutly controverted by Shri O.P. Khokha, learned counsel, who has submitted that as the applicants rely on this order which was never brought to their notice till the judgement of the Tribunal was given in **Vijender Singh & Ors. Vs. Union of India & Ors.** (O.A. 78/98 with connected cases) (Annexure A-4), decided on 23.7.1999, there is no question of limitation. Learned counsel for the applicants has also relied on the judgement of the Tribunal in **B.N. Mishra & Ors. Vs. Union of India & Ors.** (OA 256/98), decided on 28.7.1998. Shri Rajeev Bansal, learned counsel for the respondents has, however, submitted that in Vijender Singh's case (supra) the applicants were admittedly working in New Delhi in various projects undertaken by the CPWD, for example, Delhi College of Engineering Project, MSO Building, I.P. Estate and other projects in Delhi, whereas that is not the case with the applicants who are employed and working outside New Delhi at Manesar, State of Haryana. He has, therefore, submitted that the Principal Bench of the Tribunal does not have jurisdiction in the matter and the applications are, therefore, not maintainable as they have also not cared to move a PT till date. The learned counsel for the applicants was also heard at some length in reply who had vehemently submitted that the Principal Bench indeed has jurisdiction in the matter because of Annexure A-1 and Annexure A-3 orders issued from New Delhi as well as the fact that they have made a representation to the Chief Engineer, CPWD at New Delhi on 15.10.1998 (Page 35 of the Paper Book).

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5. After hearing the learned counsel for the parties at some length on these two cases, the orders were reserved on the preliminary objections raised by the respondents, namely, jurisdiction and limitation. After the next case was taken up for hearing, Shri O.P. Khokha, learned counsel for the applicants, entered the court room and made a submission that he prays for withdrawing the O.As so that he could move a PT for obtaining appropriate orders from the Hon'ble Chairman to retain the matter in the Principal Bench. As Shri Rajeev Bansal, learned counsel, was representing the respondents in the next case also (OA 533/98), which was taken up for hearing, he submitted that as the orders have already been reserved, such a prayer may not be entertained at that stage although he has fairly stated that it is the discretion of the court. However, in another few minutes, Shri O.P. Khokha, learned counsel, again withdrew his prayer for withdrawing the O.As and prayed that the earlier order "Orders reserved" may stand.

6. The applicants are admittedly working as Drivers, Plumbers, Beldars and Sewermen at Manesar in the State of Haryana. In their rejoinder, they have also tried to controvert the submissions of the respondents regarding the question of jurisdiction of the Principal Bench to adjudicate in these matters. Having regard to the provisions of Section 19 of the Administrative Tribunals Act, 1985, read with Rule 6(1) of the Central Administrative Tribunal (Procedure) Rules, 1987, the contention of the learned counsel for the applicants that the Principal Bench of the Tribunal has jurisdiction in the matter cannot be accepted. As the applicants have been

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employed and are admittedly continuing to work at Manesar, the Principal Bench of the Tribunal does not have territorial jurisdiction in the matter, as the same lies with the Chandigarh Bench. No PT had either been filed or allowed to retain these cases here. The reliance placed by the applicants on Annexures A-1 and A-3 orders issued from New Delhi will not assist them in these cases. The applicants have to comply with the provisions of law as laid down in Administrative Tribunals Act, 1985 and the Central Administrative Tribunal (Procedure) Rules, 1987 which they have not done.

7. The facts given in Paragraph 5 above are also relevant which show that the submissions made by the learned counsel for the applicants to withdraw the O.As and re-file them after filing P.T and so on are all after thought and not tenable. As the reply of the respondents had already been filed on 21.2.2000, the same could have been done earlier if they had wanted to. In the facts and circumstances, the two O.As are liable to be dismissed on jurisdiction. In this view of the matter, it is not necessary to express any views on merits or limitation.

8. In the result, for the reasons given above, O.A. 2170/99 and O.A.2171/99 are dismissed on the ground of jurisdiction. No order as to costs.

9. Let a copy of this order be placed in O.A.2171/99.

(Smt. Lakshmi Swaminathan)
Member(J)

'SRD'

CO-CERT