

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.86 of 1999

New Delhi, this 22nd day of September, 2000

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Hon'ble Smt. Lakshmi Swaminathan, Member (J)
Hon'ble Shri M.P. Singh, Member (A)

Smt. Chanchal Arora
Wife of Shri S.K. Arora
Working as Public Health Nurse/Sr. Nurse
Grade-I, G.C.F. Hospital
Gun Carriage Factory
Jabalpur
Madhya Pradesh

... Applicant

(None present)

versus

1. Union of India, through
the Secretary
Ministry of Defence
New Delhi
2. The Director General
Ordnance Factory Board
10-A Khudi Ram Bose Road
Calcutta
(W.B.)
3. The General Manager
Gun Carriage Factory
Jabalpur
Madhya Pradesh
4. Smt. Usha Bhagirathi
Wife of Shri Prem Kumar
Matron/Sr. Nurse Grade-I
G.C.F. Hospital
Gun Carriage Factory, Jabalpur
Madhya Pradesh

... Respondents

(By Advocates: Shri V.S.R. Krishna for respondents 1-3 and
proxy counsel Shri S.K. Anand for
respondent No.4.

ORDER(Oral)

By Hon'ble Smt. Lakshmi Swaminathan, M(J)

The applicant who states in the memo or parties
that she is working as Public Health Nurse/Sr. Nurse
Grade-I, G.C.F. Hospital, Gun Carriage Factory, Jabalpur,
State of Madhya Pradesh, is aggrieved by the order passed

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(19)

by respondent no.3 dated 13.10.1998, which according to her is illegal and arbitrary.

2. It is noticed from the records that the applicant had filed earlier OA.No.116/98 before the Jabalpur Bench of the Tribunal (Annexure R-4/6 of the reply of respondent No.4). In that case, the applicant had stated that she was aggrieved by the order dated 26.12.1997 by which her promotion had been kept in abeyance.

3. Later, the present respondent No.4 had filed another application (OA.No.349/98) which had been disposed of by the Tribunal (Jabalpur Bench) by order dated 16.9.1998. The contention of the official respondents in the present case is that the impugned order dated 13.10.1998 has been passed by them in pursuance of the Tribunal's order dated 16.9.1998 in which it is further noticed that the present applicant has been impleaded as respondent no.4.

4. As none has appeared for the applicant even on the second call, we have carefully perused the pleadings and documents on record and have heard Shri V.S.R. Krishna, learned counsel for official respondents and learned proxy counsel Shri S.K.Anand for respondent No.4.

5. As mentioned above, the applicant has shown her place of working in the OA as G.C.F.Hospital, Gun Carriage Factory, Jabalpur, State of Madhya Pradesh and nowhere she has stated that she is staying within the

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~~territorial jurisdiction~~ of the Principal Bench of the Tribunal.

Having regard to these facts and provisions of Section 20 of the Administrative Tribunals Act, 1985 read with Rule 6(2) of the CAT(Procedure)Rules, 1987, the OA is liable to be dismissed on the ground of lack of territorial jurisdiction of the Principal Bench of the Tribunal to decide this matter.

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6. Further, noting the aforesaid cases which have been filed with regard to similar cause of action and reliefs in the Jabalpur Bench of the Tribunal, the present OA is also not maintainable on the ground that it is barred by the principles of res-judicata. It is also relevant to note that the impugned order has been passed by respondent no.3, i.e. the General Manager, Gun Carriage Factory, Jabalpur, Madhya Pradesh, in pursuance of the Tribunal's order in OA.349/98 (Jabalpur Bench), which order has become final and binding as nowhere the applicant has stated that any appeal has been filed against the order.

7. For the reasons given above, there is no merit in the OA and it is accordingly dismissed. No order as to costs.

M. P. Singh
(M. P. Singh)
Member(A)

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Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member(J)