

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 1266/96

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T.A.No.

DATE OF DECISION

28.3.2000

Inder Behari Sharma & Ors.

....Petitioner

None present.

....Advocate for the
Petitioner(s)

VERSUS

Union of India & Ors.

....Respondent

None present.

....Advocate for the
Respondents.

CORAM

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

The Hon'ble Shri V.K. Majotra, Member(A).

1. To be referred to the Reporter or not Yes
2. Whether it needs to be circulated to other Benches of the Tribunal? No.

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Member(J)

(1)

Central Administrative Tribunal
Principal Bench

O.A. 1266/96

New Delhi this the 28th day of March, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member(J).
Hon'ble Shri V.K. Majotra, Member(A).

1. Inder Behari Sharma,
S/o Shri Raj Behari Sharma,
R/o Nig, Gari, Khaka Katghar,
Moradabad.
2. Tej Pal Singh,
S/o Shri Ram Saroop,
R/o Basant Bahikar Colony,
Chandausi (Moradabad).
3. Ram Parkash,
S/o Shri Phool Singh,
Vill - Gowar Khara,
Near Nagialajat,
PO - Bilari,
Distt. Moradabad.
4. Prem Shankar Gupta,
S/o Shri Sita Ram Gupta,
R/o Near Jay Shiv Mandir,
Moh. Gola Gunj, Chandausi,
Distt. Moradabad. Applicants.

None present.

Versus

Union of India through

1. The General Manager,
Northern Railway,
Baroda House,
New Delhi.
2. The Divisional Railway Manager,
Northern Railway,
Moradabad.
3. The Chief Electrical Foreman (TS),
Northern Railway,
Moradabad. Respondents.

None present.

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O R D E R (ORAL)

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

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This application has been filed by the applicants seeking a direction to the respondents to comply with the letter dated 11.10.1993 passed by Respondent 1, with consequential benefits on refixation of their pay in terms of that letter.

2. In paragraph 2 of the O.A., the applicants have stated that an application under Section 25 of the Administrative Tribunals Act, 1985 (hereinafter referred to as 'the Act') has been moved. Accordingly, they have stated that the Principal Bench has territorial jurisdiction to entertain and decide the case because the cause of action has partly arisen in Delhi as the Chief Electrical Engineer, Northern Railway, to whom the appeal has been submitted has not decided the appeal. Initially, the adjournments had been sought on behalf of the applicants by Shri B.L. Madhok, proxy counsel for Shri B.S. Maine on 7.6.1996, 18.7.1996 and 16.8.1996. Notice on O.A. was issued on 26.8.1996 and thereafter the O.A. was admitted on 23.5.1997.

3. The respondents in their reply filed on 9.4.1997 have taken a preliminary objection with regard to the averments made by the applicants in Paragraph 2 of the O.A. They have submitted that the Principal Bench of the Tribunal does not have territorial jurisdiction in the matter as the applicants are working in Moradabad Division which comes under the jurisdiction of the Tribunal, Allahabad Bench. They have also taken a preliminary objection that the O.A. is premature as the respondents have stated that the case of

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the applicants is being examined as per the instructions issued by the Railway Board. They have also submitted that there is no order against which the applicants have filed this O.A. For these reasons, they have submitted that the application may be dismissed.

4. The applicants have filed their rejoinder on 25.4.1997 in which their averments with regard to the jurisdiction taken in Paragraph 2 of the application are reiterated. They have submitted that under Rule 6(2) of the Central Administrative Tribunal (Procedure) Rules, 1987, the Principal Bench has jurisdiction to entertain the application. They have also simply denied the contention of the respondents that the case of the applicant is premature as being incorrect.

5. In view of the above preliminary objections, the same are taken up in the first instance.

6. With regard to the averments made by the applicants in Paragraph 2 of the O.A. that an application under Section 25 of the Act has been moved, it ~~has been~~ ^{is 18} seen from the record that no such application had been moved or any appropriate order obtained from the Hon'ble Chairman for retention of this O.A. in the Principal Bench. The stand taken by the respondents in the rejoinder, based on the provisions of Rule 6(2) of the CAT (Procedure) Rules, 1987, that the cause of action has partly arisen in Delhi and hence the Principal Bench has jurisdiction in the matter is rejected in the facts and circumstances of the case. The letter and instructions dated 11.10.1993 have been issued from the Northern Railway Office, Baroda House, New Delhi -

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Respondent 1 - to the Divisional Railway Manager, Northern Railway, Moradabad - Respondent 2, for necessary action in terms of the Railway Board's letter dated 12.7.1993 and instructions issued under PS No.6101. The necessary follow up action in terms of the letter issued by Respondent 1 dated 11.10.1993 is to be taken by Respondent 2 with regard to the service of the applicants, who are admittedly posted at Moradabad. In the facts and circumstances of the case, we are unable to agree with the contention of the applicants that part of the cause of action has arisen in Delhi, merely based on the fact that a letter has been issued from New Delhi as the action has to be taken by the concerned officials at Moradabad. Apart from that, no application has been moved by the applicants under Section 25 of the Act, as stated by them in Paragraph 2 of the O.A. Hence, the preliminary objection taken by the respondents that the O.A. is not maintainable in the Principal Bench is allowed.

7. The other preliminary objection taken by the respondents, namely, that the O.A. is premature as they themselves are examining the case of the applicants with regard to the instructions issued by the Railway Board also shows that the O.A. is liable to be dismissed on this ground also, having regard to the provisions of Section 20 of the Act.

8. Therefore, both the preliminary objections taken by the respondents are sustained. O.A. accordingly fails and is dismissed. No order as to costs.

V.K. Majotra
(V.K. Majotra)
Member(A)

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