

Central Administrative Tribunal
Principal Bench.

O.A. 1508/96

New Delhi this the 9th day of October, 1996.

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

Sohan Bir,
S/o Shri Nanak Chand,
R/o Vill & PO- Bui District,
Ghaziabad (UP).

..Applicant.

By Advocate Shri V.P. Sharma.

Versus

1. Union of India through
The Director General,
National Biofertiliser
Development Centre,
Department of Agriculture and
Corporation, CGO Complex,
204-B Block, Lodhi Road,
New Delhi.

2. The Joint Director,
Department of Agriculture & Corporation,
Ministry of Agriculture, Govt. of India,
Krishi Bhawan,
New Delhi.

3. The Director,
National Biofertiliser
Development Centre,
Kamla Behru Nagar,
Ghaziabad (UP).

..Respondents

By Advocate Shri V.S.R. Krishna.

O R D E R

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

This application has been filed by the applicant being aggrieved by the order dated 31.8.95 (Annexure A-I), issued by Respondent 3, i.e. The Director, National Biofertiliser Development Centre, Ghaziabad. In this order, it is stated that because the post of Library Attendant in the office of Respondent 3 was abolished, the applicant, who was holding that post was adjusted as the

(b)

of Chowkidar at RBDC, Bangalore. Consequently, the applicant was transferred to RBDC, Bangalore on this post and was relieved on 31.8.1995. Both these posts admittedly carry the same scale of report at pay. The applicant was directed to RBDC, Bangalore in the post of Chowkidar.

2. The applicant had made representation against the impugned order on 9.9.1995 to which he states that no reply has been received. The applicant is a Scheduled Caste employee. Shri V.P. Sharma, learned counsel for the applicant, submits that the impugned order transferring the applicant to a far place like Bangalore is causing undue hardship to him as he is a low paid Group 'D' employee. In this application, the applicant has, therefore, prayed for quashing the impugned order dated 31.8.95 as the same is unjust, arbitrary and illegal and to direct the respondents to adjust the applicant in any post at Ghaziabad or at any nearby place. He relies on the judgement of the Supreme Court in Union of India & Ors. Vs. D. Mohan & Ors. (SLR 1995(2) 195) on the question of hardship and Kameshwar Prasad Vs. State of Bihar and Ors. (SLR 1995(6) 5) that he should be absorbed in an equivalent post. During the arguments, learned counsel for the applicant also submitted that instead of being transferred to the post of Chowkidar in the office at RBDC, Bangalore, the respondents should declare the applicant as having become surplus and send him to the Surplus Cell for being posted in a nearby place to Ghaziabad for which he is entitled, more

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3. In the reply, the respondents have submitted that the O.A. is not maintainable on the grounds of jurisdiction, as well as res judicata, as the Delhi High Court had disposed of CWP No. 3978/95 by order dated 27.10.1995. They have also filed a detailed reply on merits.

4. Before dealing with the merits, it will be necessary to deal with the preliminary issue of jurisdiction. The impugned order dated 31.8.1995 has been passed by Respondent 3, the Director, National Biofertiliser Development Centre, Ghaziabad. as the post which the applicant was holding as Library Attendant at NBDC, Ghaziabad was abolished and he was adjusted against the post of Chowkidar and transferred to RBDC, Bangalore. From the above facts and the provisions of Rule 6 of the Central Administrative Tribunal (Procedure) Rules, 1987, it is seen, therefore, that this application is not maintainable in the Principal Bench of this Tribunal, as neither the applicant is posted here or has the cause of action wholly or in part arisen here. The applicant has also not filed any application or obtained any orders of the Hon'ble Chairman under Section 25 of the Administrative Tribunals Act, 1985 for disposal of this case by the Principal Bench of this Tribunal. Therefore, the objection taken by the respondents on the ground of jurisdiction has to be allowed. In this view of the matter, the O.A. is disposed of only on the ground of jurisdiction without

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going into the other grounds on merits as it will not be necessary to do at this stage.

5. O.A. is, therefore, dismissed at the admission stage on the ground of jurisdiction. No order as to costs.

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Member(J)

'SRD'