

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

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OA No.137 of 1997

NEW DELHI THIS THE 27th DAY OF JANUARY, 1997

HON'BLE SHRI JUSTICE B.C.SAKSENA, ACTING CHAIRMAN
HON'BLE SHRI K.MUTHUKUMAR, MEMBER(A)

Shri Mukesh Kumar
S/o Shri Jagbir Singh
R/o D-399, Shastri Nagar
Ghaziabad-201 001(U.P.)

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Applicant

(BY ADVOCATE SHRI O.P.SAXENA with
SHRI O.P.KHOKHA, ADVOCATE)

Vs.

1. The Staff Selection Commission
Through its Chairman
Block No.12
C.G.O.Complex, Lodi Road
New Delhi-110 003.

2. The Regional Director(WR)
Staff Selection Commission
Army & Navy Bldg. 2nd Floor
148, Mahatma Gandhi Road
Mumbai-400 001.

3. Union of India
Through the Secretary
Ministry of Personnel, Pension
and Public Grievances
North Block
New Delhi.

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Respondents

ORDER

JUSTICE B.C.SAKSENA, ACTING CHAIRMAN:

When this application came up before us our attention was invited to the scrutiny report which indicated that the application will be listed for admission/orders subject to jurisdiction. This has been indicated in view of item 8 of scrutiny ^{report} ~~application~~ _{Be} that the application would not be maintainable unless it is filed along with an application under Section 25 of the Administrative Tribunals Act, 1985 and Rule 6 of the Central Administrative Tribunal(Procedure) Rules, 1987.

The learned counsel for the applicant, however, appears to have submitted a note indicating the reason why according to him, the OA would be maintainable before the Principal Bench. On consideration of the said note submitted by the learned counsel, the direction to list the case subject to jurisdiction was given by the Deputy Registrar(Judicial).

2. We have heard the learned counsel for the applicant on the question whether any cause of action wholly or in part has accrued to the applicant within the territorial jurisdiction of this Bench. As per notification issued in pursuance of Section 18 of the Administrative Tribunals Act, 1985 the territorial jurisdiction of the Principal Bench has now been modified by notification dated 18.8.1994 and the territorial area over which the Bench will have jurisdiction has now been specified as "National Capital Territory of Delhi". The learned counsel for the applicant submitted that in view of the provision contained in letter dated 27.12.1996(Annexure A-6) this Bench will have the jurisdiction. It was indicated in the letter dated 27.12.1996 that multiple application cases within the region are detected before the conduct of the examination and all such candidates are not allowed to appear for written examination itself. However, in the case of more than one applications between regions the identification is made by the headquarter of the Commission and the regional offices are asked to cancel the candidature after thorough verification of the application submitted by the candidate in another region. On this basis, the learned counsel submitted that no doubt the impugned order has been passed by the regional office of the Staff Selection Commission located at Mumbai but in view of what is indicated in Annexure A-6 it should

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be taken that the office of the Regional Director of the Commission has passed the impugned order under orders of the headquarters of the Commission. The Staff Selection Commission's headquarter is, it is submitted, is located at Delhi and, therefore, a part of the cause of action can be said to have accrued to the applicant within the territorial jurisdiction of this Bench. We are not impressed with the submission. We have already extracted the statement contained in Annexure A-6. It would only indicate, according to our opinion that where more than one applications between regions are filed by the candidates, the identification is made by the headquarter of the Commission and the regional offices are asked to cancel the candidature after thorough verification of the application submitted by the candidate in another region. Thus only identification of multiple applications is made by the headquarter of the Commission but the regional office is asked to cancel the candidature after thorough verification of the application submitted by the candidate in another region. In the OA, the order against which relief has been sought and quashing thereof has been sought is order dated 23.11.1996 (Annexure A). This has been issued by the Staff Selection Commission, Mumbai. It has been indicated therein that the applicant has been found to have submitted more than one applications for the same examination. It has also been indicated that apart from the application submitted in the Mumbai region, the applicant has submitted two other applications for Western Region and the Southern Region. The applicant in his OA has admitted that he had submitted three different sets of applications for three different regions i.e. one for North Region, 2nd for Western Region and the third for Southern Region. The applications were called

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for examination for the post of Inspectors of Central Excise, Income Tax, 1996. By the impugned order it has been indicated to the applicant with reference to his application for the Inspectors of Central Excise/Income Tax that as per Note III of Para 20 of the detailed notice of the examination it had been mentioned that a candidate should submit one application only and that infringement of this instruction would invite penal action by the Commission. It was also indicated that while submitting application to the Commission, the applicant had given declaration in writing that no other application for the same examination has been sent by him. It has further been indicated that in addition, an undertaking was also given by him stating "in the event of any false information being detected before or after the examination, you have no objection, if your candidature/appointment is cancelled." For the aforesaid reasons by the impugned order Annexure A his candidature for the above examination for the Western Region has been cancelled. The examination was admittedly held in the Western Region on 28.4.1996 and the cancellation thereof ^{does not give rise to} ~~will not confer~~ any cause _{of} of action to the applicant within the territorial jurisdiction of this Bench. The learned counsel submitted that the order was communicated to the applicant at his residential address in Shastri Nagar, Ghaziabad. This submission is also fallacious. Shastri Nagar, Ghaziabad does not fall within the territorial jurisdiction of this Bench. It is located in Uttar Pradesh.

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3. The learned counsel for the applicant then submitted that the reason why the applicant submitted more than one applications was considered by a Division Bench of this Tribunal in OA No.843/96 and connected cases which was decided on 6.12.1996. A copy of the said judgement is filed as Annexure A-4. From a perusal of the order we find that the reasons now set out in the present application were also indicated by the learned counsel for the applicant in the aforesaid OA and batch who incidentally is also a counsel for the present applicant in the OA. The Division Bench only noted the submission and in para 4 it clearly observed:

- Without ourselves expressing any finding on these assertions, we dispose of these OAs leaving it to the respondents to address themselves to these assertions in the light of the law, the rules and the instructions on the subject •.

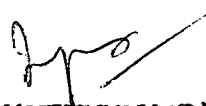
This will go to show that the reasons set out in the present application by a candidate submitting multiple applications have not been adjudicated upon. The validity of the provision of para 20 of the detailed instructions had also not been challenged much less decided in the said OA and batch. The question whether for the reasons indicated in the OA why multiple applications are filed and the question of territorial jurisdiction of the Principal Bench neither arose nor came up for adjudication before the Bench which disposed of OA No.843/96 & batch. Thus the application cannot


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draw any support from the order passed in those connected bunch of OAs.

4. For the reasons indicated hereinabove, we uphold the scrutiny report and find that neither cause of action nor any part thereof accrued to the applicant within the territorial jurisdiction or area of the Principal Bench. The OA is, therefore, dismissed as not maintainable. Since the preliminary question of jurisdiction is involved in view of the finding hereinabove we are not entering into the merits of the OA.


(K.MUTHUKUMAR)
MEMBER (A)


(B.C.SAKSENA)
ACTING CHAIRMAN