

Central Administrative Tribunal

Principal Bench: New Delhi

OA No.251/97

New Delhi this the 31st day of January 1997

Hon'ble Mr Justice B.C.Saksena, Acting Chairman
Hon'ble Mr R.K.Ahooja, Member (A)

Pramod Kumar Gupta
S/o Sh. Radha Raman Gupta
At present residing at C-II/304
Janakpuri
New Delhi - 110 058.

...Applicant

(By advocate: Sh. H.K.Gangwani)

Versus

1. Chairman
Railway Board
M/o Railways
Rail Bhawan
New Delhi
2. Chairman
Railway Recruitment Board
Divisional Office Compound
Bombay Central
Bombay - 400 008.
3. The Secretary
Railway Recruitment Board
Divisional Office Compound
Bombay Central
Bombay - 400 008.
4. General Manager
Western Railway
Church Gate
Bombay - 400 008.

...Respondents

(None)

O R D E R (oral)

Hon'ble Mr Justice B.C.Saksena, Acting Chairman

Through this OA, applicant challenges communication dated 16.10.96 issued by the Railway Recruitment Board, Mumbai informing the applicant that the selection for the post of Apprentice Permanent Way Inspector Gr.III has been cancelled. The applicant had applied for recruitment against the said post through an application copy of which is annexed as Annexure A-6. In the said application, his address was indicated as 429/3, Outside Bada Gaon Gate, Master Colony, Jhansi.

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2. In reply to a query as to how this petition could be maintainable before this Bench since no cause of action of part thereof has accrued to the applicant within the territorial jurisdiction of this bench, learned counsel for the applicant submitted that the applicant is presently residing at Janakpuri, New Delhi and secondly, according to his submissions, under sub rule 6 (2) of the CAT (Procedure) Rule, the OA is maintainable before this Bench. Sub rule 6(2) reads as follows:

"6 (2) Notwithstanding anything contained in sub rule (1), a person who is ceased to be in service by reason of retirement, dismissal or termination of service, may at his option file an application with the Registrar of the Bench within whose jurisdiction such person is ordinarily residing at the time of filing of the application."

The learned counsel lays stress only on the last few words i.e. 'such person is ordinarily residing at the time of filing of the application.' This ^{Submission} ~~statement~~ is untenable as the sentence has to be read together with the earlier sentences also. Obviously, the applicant ^{has} ~~is~~ not ^{ceased to be} in service. On the contrary, he is only seeking a fresh recruitment. Therefore, in our considered opinion, rule 6 (2) is not attracted. Learned counsel for the applicant further submitted at the Bar that the Railway Recruitment Board, Mumbai is ~~governed~~ ^{governed} by the Railway Ministry. There is no averment in that behalf. Even if that be so, the Railway Recruitment Board, Mumbai had conducted the selection and the order of cancellation was passed by the Railway Recruitment Board, Mumbai. Railway Board or Ministry is not involved in the said process.

3. For the reasons stated above, this OA is dismissed as not maintainable.

R.K. Ahooja
(R.K. Ahooja)
Member (A)

B.C. Saksena
(B.C. Saksena)
Acting Chairman