

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.2626/1997

New Delhi this the 14th day of January, 1998.

HON'BLE SHRI JUSTICE K. M. AGARWAL, CHAIRMAN

HON'BLE SHRI R. K. AHOOJA, MEMBER (A)

R. N. Agarwal,
Chargeman Grade-II(T),
Regional Training Institute,
Opto Electronics Factory, Raipur,
Dehradun-248008.

... Applicant

(By Shri D. S. Garg, Advocate)

- Versus -

1. Union of India through
the General Manager,
Opto Electronics Factory, Raipur,
Dehradun-248008.

2. The Director General,
Ordnance Factory Board,
10-A, Auckland Road,
Calcutta-700001.

3. The Secretary,
Ministry of Defence,
South Block,
New Delhi.

... Respondents

(By Shri V. S. R. Krishna, Advocate)

O R D E R (ORAL)

Shri Justice K. M. Agarwal,

Suppressing the fact that the cause of action arose at Dehradun within the jurisdiction of the Allahabad Bench and without seeking permission to file the application with the Registrar of the Principal Bench under Rule 6 and without obtaining an order of transfer under Section 25 of the Act, the applicant

Yours

filed the present application. Without detecting this fact, the learned counsel for the applicant was heard on admission on 6.11.1997 and the following ordersheet was recorded :-

"Heard the learned counsel for the applicant on admission.

According to the learned counsel, although leave was granted for 121 days on 17 occasions as per list (Annexure-9), the applicant was chargesheeted for being irregular in his duties and thereafter subjected to a minor penalty by the impugned order dated 6.9.1997. Let notices be issued against the respondents to show cause why this application be not admitted for hearing. Put up on 9.12.1997."

2. We were inclined to dispose of the application finally today, but a preliminary objection was raised on behalf of the respondents that no part of cause of action arose within the jurisdiction of the Principal Bench nor any order of transfer, for hearing the application at Delhi. Accordingly, it was prayed that the application was liable to be rejected.

3. The learned counsel for the applicant in reply submitted that the applicant was selected and appointed in IIT, Delhi and, therefore, this Bench has jurisdiction. Since the selection and appointment is not under challenge, we are not satisfied that on that ground, the applicant may claim that the Principal

Yours

Bench has jurisdiction. Admittedly, the impugned order was passed at Dehradun. The order also discloses the place of its making to be Dehradun. Under the circumstances, this application deserves to be dismissed for want of jurisdiction.

4. At this stage, the learned counsel made a prayer for time so as to enable him to file an application under Rule 6 as also another application under Section 25 of the Act. We are of the view that such indulgence cannot be shown to the applicant because, the filing itself is irregular and it cannot be regularised by subsequently allowing the applicant to move an application. Even if that is possible, the applicant is guilty of suppression of material facts and for that reason also he is not entitled to be given an opportunity to file any application. Accordingly, this application deserves to be dismissed and is hereby dismissed for want of jurisdiction. However, the applicant shall be at liberty to file fresh application before the Allahabad Bench or to move the Principal Bench with an application under Rule 6 and/or under Section 25 of the Act, if so advised.

5. The learned counsel for the applicant also drew our attention to paragraph 2 of the application which reads as follows :-

Yours

2. Jurisdiction of the Tribunal :

The applicant declares that the subject matter of the case is within the jurisdiction of the Tribunal. The matter falls under Section 14(1) (b)(ii) of the Administrative Tribunals Act.

The Principal Bench of CAT at New Delhi has full jurisdiction to decide the O.A. under Rule 6(1)(ii) of the Central Administrative Tribunal (Procedure) Rules, 1987 because the cause of action has partly arisen in New Delhi when the applicant had received the offer of appointment in the post of Project Scientist in Indian Institute of Technology (I.I.T.), Delhi."

On the basis of this paragraph in the application it was urged that nothing was suppressed at the time of filing the application.

6. Be that as it may, according to us, the Principal Bench has no jurisdiction to entertain the application for the reasons aforesaid. Accordingly, this application is dismissed with liberty to the applicant as aforesaid.

[Signature]
(K. M. Agarwal)
Chairman

[Signature]
(R. K. Aboja)
Member (A)

/as/