

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.2943/97

New Delhi : Dated this the 6<sup>th</sup> day of Oct., 1998.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A)

1. National Federation of Railway Porters, Vendors and Bearers, (A Registered Union), having its Registration No. 1118 of 1966 through its General Secretary, Shri Raghavendra Gumashta having its Registered Office at 7- Jantar Mantar Road, New Delhi -01.
2. Daya Ram, S/o Shri Jhulai working as Commission Vendor at Railway Station Varanasi Cantt. of Northern Railway.
3. Giriraj Tiwari, S/o Shri Mahesh Tiwari, working as Commission Vendor at Railway Station Varanasi Cantt. of Northern Railway

....Applicants.

(By Advocate: Shri V.K.Garg)

Versus

1. Union of India through the Secretary, Ministry of Railways, Rail Bhawan, New Delhi -01.
2. Chairman, Railway Board, Rail Bhawan, New Delhi -01.
3. General Manager (Commercial), Northern Railway, Baroda House, New Delhi -01
4. Divisional Railway Manager, Northern Railway, Divisional Office, Hazaratganj, Lucknow (Up),
5. Assistant Commercial Manager, Northern Railway, Varanasi Cantt. (Up)

.... Respondents.

(By Advocate: Mrs. B. Sunita Rao )

ORDER

HON'BLE MR. S. R. ADIGE VICE CHAIRMAN (A)

Applicant Association and two others, both of

whom are working at Varanasi as Commission Vendors, on behalf of other Commission Vendors all working at Varanasi, seek absorption as regular Group 'D' employees in the railways.

2. Rule 16(1) CAT(Procedure) Rules provides that an application shall ordinarily be filed by an applicant with the Registrar of the Bench within whose jurisdiction

i) the applicant is posted for the time being or

ii) the cause of action wholly or in part has arisen

provided that with the leave of the Chairman, the application may be filed with the Registrar of the Principal Bench and subject to the orders under section 25, such application shall be heard and disposed of by the Bench which has jurisdiction over the matter.

3. Admittedly all the applicants on whose behalf this OA has been filed are working in Varanasi (Para 1.1 of OA) and their cause of action namely claim for absorption as regular Group 'D' employees has also arisen at Varanasi, and are to be attended to by Respondents No.4 and 5 who come within the jurisdiction of the Allahabad Bench of CAT. Merely because the Union of India and Railway Board as well as the G.M.(Commercial), Northern Railway have been impleaded as respondents does not give applicants a cause of action which comes within the jurisdiction of the Principal Bench.

4. There is also no order of Hon'ble Chairman for retention of this OA before the Principal Bench.

5. No doubt the Delhi High Court's judgment dated 20.5.94 in CWP No.1392/93 National Federation of Railway Porters & Bearers Vs. UOI & Ors., after discussing the relevant provisions of the A.T. Act held that it had no jurisdiction in the matter, after which applicant association has approached the CAT but that judgment does not give the Principal Bench of the Tribunal jurisdiction in this particular OA where Commission Vendors working in Varanasi are seeking absorption as regular Group 'D' employees, in view of the provisions of Rule 6(i) CAT(Procedure) Rules and in the absence of any orders of Hon'ble Chairman for retention of this OA before Principal Bench.

6. In the result this OA is dismissed for lack of jurisdiction giving liberty to applicants to approach the appropriate legal forum in accordance with law, if so advised. No costs.

Anil Agarwal  
( S. R. ADIGE )  
VICE CHAIRMAN (A).

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