

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI**

O.A. No. 969/1997
T.A. No.

199

(12)

DATE OF DECISION 20.4.98

Sh. Sunil Gupta

Petitioner

Sh. R. K. Nigam

Advocate for the Petitioner(s)

Versus

UOI through Secy. Railway
Board & Ors.

Respondent

Mrs. B. Sunita Rao

Advocate for the Respondent

CORAM

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

The Hon'ble Shri K. Muthukumar, Member (A)

1. To be referred to the Reporter or not? Yes

2. Whether it needs to be circulated to other Benches of the Tribunal? No

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

OA No.969/1997

New Delhi this the 20th day of April, 1998.

Hon'ble Smt. Lakshmi Swaminathan, Member (J)
Hon'ble Shri K. Muthukumar, Member (A)

Shri Sunil Gupta
S/O Shri Badri Prasad Gupta
resident of 386, Shahpurjat,
New Delhi-110049.

..Applicant

(By Advocate Shri R.K. Nigam)

Vs

1. Union of India through
Secretary Railway Board,
New Delhi.

2. General Manager,
Western Railway, Churchgate,
Mumbai.

3. General Manager,
Central Railway, Mumbai, CST.


4. Secretary,
Railway Recruitment Board, Mumbai Central,
Mumbai.

..Respondents

(By Advocate Mrs. B. Sunita Rao)

O R D E R (ORAL)

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

In this application, the applicant seeks a direction in the nature of mandamus ^{commanding} ~~corresponding~~ the respondents to absorb him and issue appointment letter in his favour for the post of Shroff in the grade of Rs.950-1500(RPS) in the  Central Railway for which he had opted in response to advertisement No.5/91.

2. - We note from the cause title of this case that Respondents 2, 3 and 4 are at Mumbai. Learned counsel for the applicant submits that applicant is actually residing at Jhansi though in the verification the address ~~at~~ New Delhi has been given. We also note that no supporting documents have been filed to support the averments in the verification that the applicant is residing at Shahpurjat, New Delhi.

3. Respondents in their reply have taken a preliminary objection that the application is barred by limitation.

18

Mrs. B.Sunita Rao, learned counsel for the respondents has submitted that neither the cause of action has arisen at New Delhi nor the applicant is residing at New Delhi ^{and} *js*. The OA is, therefore, barred by territorial jurisdiction.

4. Learned counsel for the applicant has submitted that the applicant has, in fact, been selected by the Railway Recruitment Board, Mumbai Central but he has not received the appointment letter so far. The respondents in their reply have not denied the fact of his selection but have submitted that no junior to the applicant has so far been appointed.

5. From the perusal of the records in this case, we find that the applicant has sought a direction to ~~the~~ ^{js} Respondent 4 in respect of his selection held at Mumbai Central, for issuing the orders of ~~his~~ ^{js} appointment in the Central Railway. We are not impressed by the submissions made by the learned counsel for the applicant that the UOI through Secretary Railway Board, New Delhi has been impleaded as Respondent and, therefore, this Tribunal has jurisdiction.

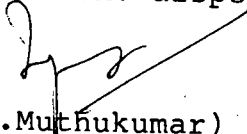
6. We also note that no application has been made for obtaining the orders of the Hon'ble Chairman for retaining this application in the Principal Bench in terms of the proviso to Rule 6 of the CAT(Procedure) Rules, 1987. Therefore, in the facts and circumstances of the case, it cannot be stated that the cause of action either wholly or partly has arisen within the jurisdiction of the Principal Bench. Admittedly, the applicant is also not residing in New Delhi and is stated to be ordinarily residing at Jhansi.

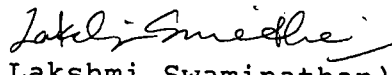
js

(15)

7. In the facts and circumstances of the case, we, therefore, dismiss this application as barred by jurisdiction, leaving it open to the applicant to take appropriate steps to move the application in the appropriate Bench of the Tribunal.

O.A. disposed of as above. No order as to costs.


(K. Muthukumar)
Member(A)


(Smt. Lakshmi Swaminathan)
Member(J)

sk