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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

M.A. 3346/94 in

O.A. 896/94

New Delhi, this the 10th day of November, 1994

Hon'ble Shri J.P. Sharma, Member(J)

Hon'ble Shri B.K. Singh, Member (A)

Bishambhar Nath Mishra,
s/o Shri Rameshwar Mishra,
C/o Raghunath Prasad
H/s. Kiran Canvas Stores,
260, Azad Market,
Delhi.

... Applicant

By Advocate: Shri H.P. Chakravorti

Vs.

1. Union of India
through
The Secretary,
Ministry of Railways, Railway Board,
Rail Bhawan,
New Delhi.
2. The Chief Mechanical Engineer,
Central Railway,
Bombay-VI.
3. The Divisional Railway Manager,
Central Railway,
Jhansi.

... Respondents

By Advocate: Shri H.K. Gangwani

O R D E R (ORAL)

Hon'ble Shri J.P. Sharma, Member(J)

The applicant was last working as Senior Clerk, Diesel Shed in Central Railway, Jhansi and he has been imposed a punishment of removal from the service by the Divisional Railway Manager, Central Railway, Jhansi by the order dated 4.12.85 and on appeal the same has been dismissed by the Appellate Authority, Central Railway, Bombay by the order dated 30.4.93. He has prayed that the

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aforesaid order of punishment be quashed and the applicant be re-instated in service.

2. A notice was issued to the respondents . The respondents instead of filing a reply have filed M.A.3346 of 1994 in which it is stated that there is violation of Rule 6 of the Central Administrative Tribunal (Procedure) Rules 1987 and that the Principal Bench has no jurisdiction.


3. We heard Shri H.P. Chakravorti for the applicant and Shri H.K. Gangwani for the respondents and dispose of MA 3346/94 alongwith the O.A. The Bench has raised a doubt about the maintainability of this application before the Principal Bench. The applicant's counsel has sought several adjournments in May and June 1994, twice in July, 1994 and in August, 1994. On 10th October, 1994 the applicant's counsel sought an adjournment on the ground that he wants to amend the O.A. but it was not done on the next hearing date i.e. 26.10.94 when the matter was taken up on that date. The learned counsel for the applicant has given a statement that in the meantime he will move the Hon'ble Chairman u/s 25 of the A.T. Act, 1985 for retention of the case in the Principal Bench. He has been given sufficient time and the matter is listed today. Shri H.P. Chakravorti states that he is going to file an amendment application today in the Registry. However, it is too late. Otherwise also we find that in the O.A. the applicant has given his address C/o Raghunath Prasad M/s. Kiran Canvass Stores, 260 Azad Market, Delhi but in the title of the application he has shown last working

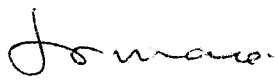
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as Senior Clerk, Diesel Shed, Central Railway, Jhansi.

Both the respondents are not within the territorial jurisdiction of the Principal Bench. The applicant's counsel therefore made a request that the applicant be allowed to withdraw this application and to present it before the Tribunal having territorial jurisdiction. The learned counsel for the respondents has no objection.

4. Without giving any opinion on the merit of the case and expressly granting an opportunity to file the application on the same cause of action and for the same relief before the competent Tribunal having jurisdiction, the application is disposed of as withdrawn and the Registry shall return the documents annexed with the original application to the applicant, alongwith other documents not required to be retained on the official file. It is also observed that if the applicant expeditiously takes steps in filing the application before the appropriate Bench, the question of limitation should not come in his way. M.A. and O.A. are disposed of accordingly.


(B.K. SINGH)
MEMBER(A)


(J.P. SHARMA)
MEMBER(J)

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