

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

C. P. NO. 301/1998
in
O. A. NO. 779/1996

(29)

New Delhi this the 24th day of February, 1999.

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

HON'BLE SHRI N. SAHU, MEMBER (A)

Prakash Chand S/O Karta Ram,
110-D Pocket J & K,
Dilshad Garden,
Delhi.

... Applicant

(By Shri S. P. Mehta, Advocate)

-Versus-

1. Shri S. P. Mehta,
General Manager,
Northern Railway,
Baroda House,
New Delhi.

2. Controller of Stores,
Northern Railway,
Baroda House,
New Delhi.

... Respondents

(By Shri H. K. Gangwani, Advocate)

O R D E R (ORAL)

Shri Justice K. M. Agarwal :-

This contempt petition has been filed by one Prakash Chand son of Karta Ram for non-compliance with the directions made in OA No. 779/96, decided on 5.5.1998.

2. The learned counsel for respondents first submitted that the order has been complied with, and next pointed out that the applicant in the C.P. was not before the Tribunal in OA No. 779/96.

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3. The learned counsel for the applicant thereupon submitted that Prakash Chand was also one of the applicants in OA 779/96 but his name was wrongly shown as Om Prakash in the OA and that for making necessary corrections in the OA, an M.A. has been filed, which is pending.

4. Under the circumstances aforesaid, we looked into the original file of the OA and found that in the cause title of the OA, the name of only Shri Ram Lal was shown as the applicant and others were described to be the applicants as per list attached and marked as Annexure-A to the OA. The list contains 18 names, including the name of Ram Lal who has also been shown in the cause title of the OA as applicant, resident of Delhi. Out of the remaining 17 applicants, applicant No. 15 is shown to be resident of Ghaziabad within the jurisdiction of Allahabad Bench of the Tribunal. The remaining 16 have been shown as residents of places within the jurisdiction of Chandigarh Bench of the Tribunal. No application was made under proviso to sub-rule (1) of rule 6 of the C.A.T. (Procedure) Rules for filing the petition on their behalf with the Registrar of the Principal Bench. No application was also filed under Section 25 of the A.T. Act for permitting them to pursue their remedy before the Principal Bench instead of pursuing it either before the Chandigarh Bench or Allahabad Bench of the Tribunal. Application under Rule 4(5)(a) of the C.A.T. (Procedure) Rules, 1987, though filed for permitting the applicants to pursue their remedy jointly and collectively, no order appears to have been made by the Tribunal on that application. In

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paragraph 4 (i) of the O.A., it was alleged that the applicants were employed as Security Petrollers/Khalasis/casual labourers under the respondent No. 2 during the period shown in Annexure-I with the usual breaks. However, the places of individual posting and/or the posts individually held by them were not disclosed in the application. Under these circumstances and for want of territorial jurisdiction, no directions could be made to the respondents in favour of the applicants who were not residents of places within the jurisdiction of Principal Bench of the Tribunal. Accordingly we are of the view that only Ram Lal, whose name was mentioned in the cause title of the O.A. could only derive benefit of the order made by the Tribunal on 5.5.1998. We are, therefore, of the view that this C.P. by Prakash Chand was misconcieved. His name was also not included in the list of applicants filed as Annexure 1 to the main O.A. M.A. said to be pending for the purpose of including the name of the applicant in the C.P., therefore, appears to be further misconcieved. Further the order is said to have been complied with by the respondents.

5. For the foregoing reasons we find no merit in this C.P. Accordingly it is hereby dismissed. Rule nisi, if any, shall stand discharged.

KM
(K. M. Agarwal)
Chairman

NS
(N. Sahu)
Member (A)

/as/