

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A.NO.1780/94

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New Delhi, this the 3rd February, 1995

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

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

Shri O.N. Mishra,
s/o late Shri S.N. Mishra,
r/o 16, Gayatri Nagar,
Near Hartman College,
Izatnagar, Bareilly.
working as UDC in
Income Tax Office,
Bareilly, U.P.

... Applicant

By Advocate: Shri S.S. Tiwari

Vs.

1. Union of India
through
Secretary,
Ministry of Finance,
Department of Revenue,
North Block, New Delhi.
2. The Deputy Commissioner of Incometax
and Enquiry Authority(North Zone),
Mayur Bhavan,
New Delhi.
3. The Commissioner of Incometax,
Ashok Marg, Lucknow.
4. The Deputy Commissioner of Incometax,
Bareilly Range,
Bareilly, (U.P.)

By Advocate: Shri V.P. Uppal

JUDGEMENT

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

The applicant is working as U.D.C. in the office of Deputy Commissioner, Income-tax Bareilly Range Bareilly. The first memo dated 31st August, 1987 was served on the applicant on 7th September, 1987. He was served with the Article of Charges. The Deputy Commissioner, Income-tax Bareilly Range Bareilly is the disciplinary authority. Deputy Commissioner, Income-tax Enquiry authority, North Zone, New Delhi given its

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findings against the applicant in the report dated 12.3.1991. The article 3, 4 & 5 of the charges were not proved. Article 1 was proved as committed in a bonafide manner and Article 2 of the charge giving interview to Chairman, Press Amar Ujala Newspaper. The disciplinary authority i.e. Deputy Commissioner of Income-tax by the order dated 30th September, 1992 imposed the minor penalty of withholding of increments of pay for the period from 1993-94 to 1994-95. The Commissioner of Income-tax, Lucknow by the order dated 9.5.1994 rejected the appeal of the applicant. In this application filed by the applicant on 5th September, 1994, he has prayed for quashing the enquiry conducted by the Enquiry Officer and the order of the disciplinary authority be also set aside.

2. A notice was issued to the respondents ^{who} ~~to~~ filed their reply stating that the Principal Bench has no jurisdiction to entertain this present application under rule 6(i) of the CAT Procedure, 1987.

3. We heard Shri S.S. Tiwari counsel for the applicant and Shri V.P. Uppal counsel for the respondents. The contention of the applicant's counsel is that the enquiry proceedings were conducted at Delhi and the enquiry report has originated from Delhi, in view of this the Principal Bench, Central Administrative Tribunal, New Delhi has jurisdiction. However, merely because an officer located at Delhi has conducted the enquiry or that the applicant has been investigated in enquiry at Delhi, would ~~not~~ give a cause of action to the applicant at Delhi. The applicant is posted at Bareilly and the final order passed by the disciplinary authority as well as by the appellate authority Deputy ^{has} i.e./Commissioner of Income-tax Bareilly and Commissioner of Income Tax, Lucknow. The cause of action/arisen either at Bareilly or Lucknow from where the appeal was rejected. The territorial jurisdiction of Principal Bench does not extend to either Bareilly or Lucknow which lie within the territorial

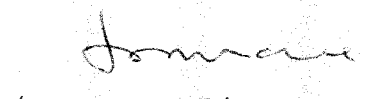
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jurisdiction of Central Administrative Tribunal, Allahabad Bench.

4. We also suggested the applicant that he may, if so desired, move an application under section 25 of the CAT for retention of his application in the Principal Bench but the learned counsel for the applicant stressed his arguments that the cause of action has arisen at Delhi, because the notices were issued to the respondents for 31st October, 1994 as such the Principal Bench has jurisdiction. Merely issuing of a notice to the respondents will not confer that this Principal Bench of C.A.T. has jurisdiction. The cause of action has arisen to the applicant on the service of the charge-sheet at Bareilly, an order passed by the disciplinary authority at Bareilly and the rejection of the appeal at Lucknow. If the enquiry has held in other place, that will not give the cause of action to the applicant.

5. In view of these facts and circumstances, this application is not maintainable in the Principal Bench. The Registry may return this application to the applicant for presentation to the competent bench of C.A.T. for disposal according to law.


(B.K. SINGH)
MEMBER (A)


(J.P. SHARMA)
MEMBER (J)

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