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Central Administrative Tribunal

Principal Bench: New Delhi

O.A. No. 861/2000

New Delhi this the 16th day of May, 2000

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

Hon'ble Mr. V.K. Majotra, Member (A)

Jatinder Arjan,  
S/o Shri L.R. Arjan,  
H.No. 512, Golden Avenue Phase II,  
Jalandhar, Punjab.

...Applicant

(By Advocate: Shri B.S. Oberoi)

Versus

1. Union of India,  
through its Secretary,  
Ministry of Information and Broadcasting,  
Shastry Bhawan, New Delhi.
2. Chief Executive Officer,  
Prasar Bharti, Mandi House,  
New Delhi.
3. Director, Doordarshan Kendra,  
Bhagwan Mahavir Marg,  
Jalandhar, Punjab.

....Respondents

ORDER (Oral)

Smt. Lakshmi Swaminathan, Member (J)

Heard Shri B.S. Oberoi, learned counsel for the applicant.

2. The applicant has impugned the order passed by Respondent No.2 dated 13.4.2000 transferring him from DDK, Jalandhar, to DDK, New Delhi. A copy of this order has been sent to the Director, DDK, Jalandhar, and to the persons concerned. Learned counsel for the applicant relies on the order issued by Respondents dated 3.4.2000 by which the applicant, who is a Programme Executive was deputed on tour to DDK, Delhi, initially for a period from 17.4.2000 to 16.5.2000 which has been extended upto 17.5.2000 in relation to the Parliament Session. Shri Oberoi, learned counsel has submitted that in view of this order dated 3.4.2000 the applicant is posted on tour in DDK, Delhi,

and hence he comes within the provisions of Rule-6(1)(i) of the CAT (Procedure) Rules, 1987. Alternatively, learned counsel has submitted that as the impugned order dated 13.4.2000 has been issued by Respondent No.2 from New Delhi while he is on tour in New Delhi, the cause of action has arisen in Delhi and hence the Principal Bench of the Tribunal has jurisdiction in the matter under Rule 6 (1) (ii) of the CAT (Procedure) Rules, 1987.

3. We have carefully considered the submissions of the learned counsel in the matter.

4. We are unable to agree with the contentions of Shri B.S. Oberoi, learned counsel, that on the order being passed by Respondent No.2 dated 13.4.2000 deputing the applicant on tour to DDK, Delhi, from DDK, Jalandhar for a temporary period from 17.4.2000 to 17.5.2000, he can be considered as having been 'posted for the time being' at Delhi within the meaning of the provisions of Rule 6 (1) (i) of CAT (Procedure) Rules, 1987. The second ground taken is also rejected because the Office Order No. 59/2000/S-III issued by respondent No.2 dated 13.4.2000 transferring/posting the applicant from DDK, Jalandhar, to DDK, Delhi, will operate with the concurrence of the competent authority i.e. the Director, DDK, Jalandhar, to whom the order is also marked. In pursuance of the earlier order dated 3.4.2000 the applicant who has been deputed on tour to DDK, Delhi, will have to report back to his parent Department i.e. DDK, Jalandhar, after 17.5.2000.

5. Learned counsel has also submitted that as the applicant is physically in Delhi now in pursuance of the order dated 3.4.2000 till the Parliament Session is over on 17.5.2000, the Principal Bench of the Tribunal has jurisdiction in the matter. Taking into account the fact that the applicant was deputed only on tour to DDK, Delhi temporarily for the period from 17.4.2000 to 17.5.2000 after which, his place of posting is DDK, Jalandhar, and having regard to the provisions of Rule-6 (1) (i) of the CAT (Procedure) Rules, 1987 he can file the

application before the Registrar of the Bench where he is posted, which is the Chandigarh Bench of the Tribunal. Therefore, from whatever angle we see the facts of this case, we are unable to agree with the contentions of the learned counsel for the applicant that the present D.A. is maintainable in the Principal Bench of the Tribunal. Even PT for retaining the case in the Principal Bench has not been filed under the provisions of the Administrative Tribunals Act, 1985.

6. In the result, for the reasons given above the D.A. is dismissed at the admission stage on the ground of jurisdiction, leaving it open to the applicant to pursue his remedy in accordance with law. No order as to costs.

7. Let a copy of this order be given to the learned counsel for the applicant immediately.

V.K. Majotra  
(V.K. Majotra)

Member (A)

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

cc.