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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, DELHI.

Regn. No. O.A. 2597/1989. DATE OF DECISION: January 22, 1991.

R.K. Jain .... Applicant.

V/s.

The Director, SVPNA,  
Hyderabad & Anr. .... Respondents.

COUNSEL: Hon'ble Shri P.C. Jain, Member (A).  
Hon'ble Shri J.P. Sharma, Member (J).

Applicant in person.  
Shri M.L. Verma, counsel for the Respondents.

(Judgment of the Bench delivered by  
Hon'ble Shri P.C. Jain, Member (A))

JUDGMENT

In this application under Section 19 of the Administrative Tribunals Act, 1985, the applicant, who was appointed to Indian Police Service on 1.9.1981 on the basis of Civil Services Examination, 1980 on probation for a period of two years, has assailed Memorandum dated 5th August, 1982 (Appendix-II to the O.A.) whereby he was issued a warning, which was also ordered to be kept in his A.C.R. file. He has prayed that the aforesaid warning may be declared void and expunged; that the respondents may be asked to issue a notification to this effect; and that the respondents may be asked to review adverse decisions, if any, based on this warning. The application was filed on 18.8.89, but after removal of some objections, came up for the first time on 23.1.90.

2. Notice was issued to the respondents on admission and limitation. The respondents have contested the application on merits as well as on the grounds of limitation, territorial jurisdiction, non-joinder of Union of India as a party, as barred under the doctrine of res-subjudice, for mis-joinder of respondents and as barred under the doctrine of res-judicata and constructive res-judicata.

3. The applicant sought permission to file a petition for condonation of delay, which was granted. He filed the

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same, but it was under objection by the Registry, He was asked to sort out the objections in consultation with the Registry, but he submitted on 4.1.91 that as his case was within limitation, he did not rely on his petition for condonation of delay and that the said petition might not be taken into account. Accordingly, we heard the applicant, who appeared in person and the learned counsel for the respondents on the question of admission and limitation. We have also perused the material on record.

3. It is not in dispute that the impugned Memorandum was issued to the applicant himself on 5.8.1982. He made a representation on 13.9.1982 (Appendix-III to the O.A.). No reply is said to have been received to this representation. He made another representation on 22.8.84 (Appendix-IV to the O.A.). Vide letter dated 28.8.1984 (Appendix-V to the O.A.), he was informed that with reference to his representation dated 13.9.1982, the then In-charge Director of the Academy had called him and afforded him another opportunity to say whatever he had to say in that regard by way of explaining his conduct; that he had nothing else to say except to reiterate that the allegation made against him was false and malicious; that the matter was then carefully considered by the In-charge Director and he came to the conclusion that the warning issued to him was proper and justified and that his representation was, therefore, rejected. He made another representation dated 16.1.1989 to the Secretary, Department of Home, Ministry of Home Affairs, to which no reply is said to have been received. It is thus clear that the cause of action accrued to the applicant when the Memorandum dated 5th August, 1982 was issued. As it arose before three years prior to the Central Administrative Tribunal coming into effect, the Central Administrative Tribunal has no jurisdiction in the matter in accordance with the provisions of Section 21 of the Administrative Tribunals Act, 1985 (V.K. Mehra Vs. Secretary, Ministry of Information & Broadcasting, New Delhi - ATR 1986).

(1)(CAT) 203). If it is considered that the cause of action accrued to him when his representation was first rejected vide letter dated August 28, 1984, even then, the application is hopelessly barred by limitation. It was argued by the applicant that the impugned warning was ordered to be kept in his A.C.R. file and, as such, it becomes an adverse entry, and since this has not been communicated to him in accordance with Rule 8 of All India Services (Confidential Rolls) Rules, 1970, the O.A. is within limitation.

4. The argument advanced by the applicant, in our view, is not tenable. Rule 8 of the Rules *ibid* relates to communication of adverse remarks contained in a confidential report. The impugned order of warning does not come within the definition of "Confidential reports" as in Rule 5 of the Rules *ibid*. It is also to be noted that the Memorandum dated 5th August, 1982 in which the warning was recorded and which was directed to be kept in his A.C.R. file, was addressed to the applicant himself and he cannot, therefore, plead ignorance thereof.

5. We may also deal with the question of territorial jurisdiction of the Principal Bench, about which the respondents have raised an objection. Admittedly, the impugned order was issued by In-charge Director of Sardar Vallabhbhai Patel National Police Academy, Hyderabad. Further, the applicant was serving at Jaipur under the Government of Rajasthan when he filed this application, as is clear from the O.A. itself. Both Hyderabad and Jaipur do not come within the territorial jurisdiction of the Principal Bench. The applicant has also not obtained any order of the Hon'ble Chairman of the Central Administrative Tribunal under Section 25 of the Administrative Tribunals Act, 1985 for retaining this O.A. for disposal in the Principal Bench. Thus, the Principal Bench has no territorial jurisdiction in this matter.

6. Without going into the merits of the case and the other objections raised by the respondents, we hold that the

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C.A. is not tenable on the point of limitation as well as territorial jurisdiction and is accordingly rejected as such. There shall be no order as to costs.

*J. P. Sharma*

(J.P. SHARMA)  
Member (J)

*P. C. Jain*

(P.C. JAIN)  
Member (A)