

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH**

OA No. 410 of 2020

**Present: Hon'ble Mr. Gokul Chandra Pati, Member (A)
Hon'ble Mr. Swarup Kumar Mishra, Member (J)**

Tushar Topno, aged about 25 years, S/o Kamal Topno, B-30, Sector-17, PO-Sector-18, PS-Sector-15, Rourkela Dist.-Sundargarh.

.....Applicant

VERSUS

1. Union of India, represented through Chairman, Railway Board, Rail Bhavan, 1 Raisina Road, New Delhi.
2. Chairman, Railway Recruitment Board, Bangalore, 18 Miller's Road, Bangalore-560046.

.....Respondents

For the applicant : Mr.P.K.Nayak, counsel

For the respondents: Mr.T.Rath, counsel

Heard & reserved on : 13.10.2020

Order on : 02.11.2020

O R D E R

Per Mr. Gokul Chandra Pati, Member (A)

The applicant has prayed for the following reliefs in the present OA :

“In view of the facts stated in paragraph-4 and grounds of relief in Paragraph-5 above of the original application the applicant humbly pray for the following relief(s):

- (i) Admit the original application;
- (ii) Call for the relevant documents;
- (iii) After hearing be pleased to direct the respondent No.2 to recommend the name of the applicant for the post of Assistant Loco Pilot.”

2. The applicant of this was a candidate for the post of Assistant Loco Pilot (in short ALP) advertised by various Railway Recruitment Boards (in short RRB) vide the Centralized Advertisement dated 3.2.2018 (Annexure-A/1). The applicant had applied for the post of ALP under the jurisdiction of the RRB, Bangalore. He is aggrieved by the fact that his name was not included in the final selection list published by RRB Bangalore, claiming that the marks secured by him was higher than the cut off mark for the post in question.

3. When the OA was considered for admission, Mr. T. Rath, learned counsel for the respondents raised the question of jurisdiction since as per the para

18.4 of the Centralized advertisement at Annexure-A/1, any legal dispute arising out of the posts in question will be within the jurisdiction of the Tribunal under which the concerned RRB is located. It was submitted that since the applicant had applied for the post of ALP under RRB Bangalore, this Bench of the Tribunal will not have jurisdiction to adjudicate the dispute as per the terms of the said advertisement.

4. Heard learned counsels for the applicant and respondents on the issue of territorial jurisdiction. Learned counsel for the applicant argued that the applicant is a resident of Odisha and since he received a letter dated 14.7.2020 from RRB Bangalore (Annexure-A/4 series) in reply to a query under the RTI Act, a part of the cause of action lies within the jurisdiction of this Bench of the Tribunal. In support of his argument, he cited the judgment of Hon'ble Apex Court in the case of Dinesh Chandra Gahotri vs. Chief of Army Staff reported in (2001) 9 SCC 525 and Maharashtra Chess Association vs. Union of India in Civil Appeal No. 5654/2019. Per contra, learned counsel opposed the submissions with reference to para 18.4 of the advertisement at Annexure-A/1.

5. Admittedly, the applicant was a candidate for the post of ALP under RRB, Bangalore and his grievance was projected in his representation dated 4.9.2020 (Annexure-A/5) addressed to the Chairman RRB, Bangalore with whom the said representation is stated to be pending. There is nothing on record that the RRB concerned has communicated the result of the examination or issued any letter inviting him for appearing in any examination or test connected to the selection in question. The letter dated 14.7.2020 issued by RRB, Bangalore in reply to a query under RTI Act, 2005 cannot be taken as a part of cause of action since it was issued as per the provisions of the RTI Act, 2005 which cannot be taken as a part of the selection process.

6. In the case of Dinesh Chandra Gahotri (supra), the writ petition was directed against the Chief of Army Staff and there was no specific provision about the jurisdiction in case of any legal dispute. In this case, the main party in this OA is the respondent no. 2 who is the Chairman RRB, Bangalore. Further, there is a specific provision in para 18.4 of the advertisement specifying territorial jurisdiction, which is not disputed by the applicant. Hence, the cited judgment will be of no assistance to the applicant.

7. In the case of Maharashtra Chess Association (supra), the question of jurisdiction was left to the discretion of Hon'ble Bombay High Court which is to be decided after considering the matter holistically. This judgment will also not be of any assistance to the applicant since there is nothing on record to show that a part of the cause of action lies within the jurisdiction of this Bench.

8. In the circumstances, we are unable to agree with the contentions of learned counsel for the applicant that this Bench of the Tribunal will have jurisdiction as a part of the cause of action lies within Odisha in view of the letter dated 14.7.2020 issued by the RRB, Bangalore to the applicant in his postal address in Odisha and in view of the judgments cited by him.

9. This OA is accordingly dismissed for lack of jurisdiction with no order as to cost. However, the Registry is to send the paper books of this application to Bangalore Bench of the Tribunal for taking action as deemed appropriate under law, if the applicant's counsel gives a letter of request to that effect to the Deputy Registrar within a week.

10. Copy of this order be given to learned counsel for both the parties.

(SWARUP KUMAR MISHRA)
MEMBER (J)

(GOKUL CHANDRA PATI)
MEMBER (A)

I.Nath