

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

OA No.180/00312/2019

Thursday, this the 17th day of December, 2020

CORAM:

Hon'ble Mr. P.Madhavan, Judicial Member

Hon'ble Mr.K.V.Eapen, Administrative Member

Thasleema K.P, aged 35 years,
W/o Firosh Kadakkat,
Working as Senior Statistical Officer,
National Sample Survey Office, (FOD),
43, Sen Gupta Street, Ram Nagar,
Coimbatore-641009, Tamil Nadu State
Phone No.6282671311

Applicant

(Advocate: Mr.J.Abilash)

Versus

1. The Union of India represented by
the Secretary to the Government,
Ministry of Statistics and Programme Implementation,
S.S.S Division, Sardar Patel Bhavan
New Delhi- 110 001.
2. The Director General,
National Sample Survey Office,
FOD, East Block, Level 6-7
R.K.Puram, New Delhi
Pin-110 066.
3. The Director (S.S.S)
The Cadre Controlling Authority
Sardar Pattel Bhavan
Sansad Marg
New Delhi – pin- 110001
4. The Additional Director General
National Sample Survey Office
FOD, East Block, Level 6-7
R.K.Puram, New Delhi
Pin – 110 066

5. The Deputy Director,
National Sample Survey Office (FOD),
CGO Complex, Vellayani P.O
Thiruvananthapuram
Pin-695 522.
6. The Depute Director
N.S.S.O (FOD), 43 Sengupta Street
Ram Nagar, Coimbatore, Pin – 641 009
Tamil Nadu State
7. The Depute Director
N.S.S.O (FOD), 4th Floor Kendriya Bhavan
A Block, Kallayi, Kozhikode – 673003
8. The Deputy Director
N.S.S.O (FOD)
Aiswarya Arcade
Opp.Mercy College
Pallipuram P.O
Palakkad District
Pin – 678 006
9. Sreejitha V
Senior Statistical Officer
Aiswarya Arcade
Opp.Mercy College
Pallipuram P.O
Palakkad District
Pin – 678 006

Respondents

[Advocate: Mr.Thomas Mathew Nellimoottil for R1-8 and Mr.Varghese John for R9]

This OA having been heard on 8th December 2020, the Tribunal delivered the following order on 17.12.2020:

ORDER

P.Madhavan, Judicial Member

This is an OA filed seeking the following reliefs:

- “i) Call for the records leading to the issuance of Annexure All.*
- ii) To declare that Annexure All is bad in law and is liable to be quash as far as 9th respondent is concerned.*
- iii) To declare that applicant is entitled to get a transfer to Kozhikode*
- iv) Issue appropriate order quashing Annexure*

All in relation to the transfer of 9th respondent

v) Issue appropriate order directing the respondents to transfer the applicant to Kozhikode within a reasonable time.

vi) To grant such other reliefs as this Hon'ble Tribunal may deem fit just and necessary

vii) To grant cost for this Original Application. “

2. According to the applicant, she is presently working as Senior Statistical Officer at Coimbatore in Tamil Nadu and according to her, she joined the service on 28.08.2006 in the Sub Regional Office at Gulbarga, Karnataka. Thereafter, she was transferred to the Regional Office at Kozhikode on 08.06.2009. Thereafter, she was transferred to Regional Office, Coimbatore with promotion as Senior Statistical Officer in the year 2015.

3. The 9th respondent in this case, Ms.Sreejitha V, joined the service in 2007 as Statistical Investigator Grade IV (now known as Junior Statistical Officer) at Delhi. After 6 months, she was transferred to the Regional Office, Kozhikode. Subsequent to the above, she was transferred with promotion as Senior Statistical Officer to Coimbatore in the year 2015. After 3 months, she got transferred to Palakkad SRO on 18.9.2015. Since then, she is working at Palakkad. Out of her 12 years of service, she worked in Kerala for more than 11 years.

4. The applicant has produced various medical documents to show that she is suffering from ailments. According to her, she is entitled to get posting at Sub Regional Office, Kozhikode since she is senior than respondent no.9.

5. When the matter came up for consideration, counsel for the respondents seriously objected the application stating that the O.A is not maintainable in

Ernakulam Bench as the applicant is presently working in Tamil Nadu.

6. We have heard both the parties. The point for consideration is whether this Tribunal has jurisdiction in entertaining this OA?

7. We had perused the pleadings, documents and heard the arguments put forward by both sides. Before going to discussion, it will be worthy if we go to Rule 6 of CAT (Procedure) Rules:

6. Place of filing application: (1) An application shall ordinarily be filed by an applicant with the Registrar of the Bench within whose jurisdiction -

- (i) the applicant is posted for the time being, or*
- (ii) the cause of action, wholly or in part, has arisen:*

Provided that with the leave of the Chairman the application may be filed with the Registrar of the Principal Bench and subject to the orders under section 25, such application shall be heard and disposed of by the Bench which has jurisdiction over the matter.

(2) Notwithstanding anything contained in sub-rule (1), a person who has ceased to be in service by reason of retirement, dismissal or termination of service may at his option file an application with the Registrar of the Bench within whose jurisdiction such person is ordinarily residing at the time of filing of the application.

8. Learned counsel appearing for the applicant would contend that a part of the cause of action had fallen at Kozhikode since the applicant was denied a transfer to this place and an order was issued. On the other hand, the counsels appearing on the side of official respondents and private respondent would contend that the cause of action had arisen at Coimbatore where the applicant is working and this OA ought to have been filed before the Chennai Bench of the Tribunal. They mainly rely upon the judgment rendered by the Hon'ble High Court of Kerala in **Registrar, Indian Maritime University, Chennai vs. Dr.K.G. Viswanathan & another**, reported in 2014 (4) KHC 451 (FB) and the order of Principal Bench in

Mukesh Kumar Meena vs. Union of India & 20 Others in OA 2833/2010 dated 15.3.2011.

9. We accordingly considered the rival contentions put forward by both sides. Both sides admit that the applicant is at present working in Tamil Nadu. Learned counsel for the applicant would contend that the applicant had requested for a transfer to Kozhikode and the respondents had not granted the same and posted some other officers in these vacancies. On a perusal of the pleadings, what we find is that the applicant in this OA had requested for transfer to various stations in Kerala and the respondents had not granted her a transfer. So the main cause of action is denial of transfer to the applicant who is now working at Coimbatore. So the cause of action arose at Coimbatore, in Tamil Nadu State and not in Kerala. As per Rule 6 (1)(i), the applicant ought to have filed this OA in the CAT Bench of the State where she is working. We are not impressed by the arguments of the counsel for the applicant that since the applicant had sought a transfer to Kozhikode, this Tribunal will get jurisdiction to decide the matter. Since the applicant is working at Coimbatore, showing their permanent residence in Kerala cannot confer any jurisdiction. The existence of vacancies in Kerala has no nexus with the cause of action in this case. The bundle of facts which constitute the cause of action in this case is denial of a request transfer given by the applicant from the office at Coimbatore. There cannot be any part cause of action in this case. The request for getting a posting at Kozhikode does not have a close nexus to the main cause of action in these cases. The impugned transfer order was issued by the Under Secretary to the Govt. of India, Ministry of Statistics and Programme Implementation, New Delhi. So there is no merit in the contentions raised by the applicant. No integral part of cause of action has arisen in this State.

10. So we find that there is no jurisdiction for this Tribunal to entertain this OA and this is liable to be dismissed. **The OA is accordingly dismissed. The Registry will keep a copy of the OA and return the copy of documents produced for approaching the jurisdictional bench, if they desire so. No costs.**

(K.V.Eapen)
Administrative Member

(P.Madhavan)
Judicial Member

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List of Annexures

- Annexure A1 - True copy of the (relevant pages) order No.12016/1/2014 S.S.S. Dated 6.4.2015
- Annexure A2 - True copy of the medical report dated 3.01.2018 of the applicant
- Annexure A3 - True copy of the treatment chart of the applicant's son dated 30.12.2017
- Annexure A4 - True copy of the medical certificate of the mother-in-law of the petitioner dated 2.4.2018
- Annexure A5 - True copy of the representation dated 26.6.2018 to the 3rd respondent
- Annexure A6 - True copy of the application for transfer along with details of her positing dated 26.6.2018
- Annexure A7 - True copy of the representation dated 10.9.2018
- Annexure A8 - True copy of the representation dated 6.12.2018
- Annexure A9 - True copy of the OM No.12015/6/2004SSS dated 9.5.2015
- Annexure A10 - True copy of OM No.11025/2/2003-ISS, dated 15.2.2005
- Annexure A11 - True copy of the order No.11015/1/2018 dated 13.2.2019
- Annexure R 9(A) - True copy of the application dated 26.12.2018 submitted by the applicant along with the annexures.

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