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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA NO.1088/2004
11A NO. 893/2004

New Delhi this the 29th November, 2005

HON'BLE SHRI M.P.SINGH, VICE-CHAIRMAN(A)
HON'BLE MRS.MEERA CHHIBBER, MEMBER(J)

1. Swasdesh Ranjan Dhali
S/o Late Jatindranath Dhali
R/o A-10/417, Kalyani, PO Kalyani
District Nadia, West Bengal-741235.
2. Kh. Wamique Hossain
S/o Kh. Akram Hossain
R/o Village Dharampur, PO Mainan
PS-Khanakul, District Hooghly
3. Smt. Keya Sarkar (Chanda)
W/o Shri Partha Chanda
R/o 35/13, Abhoy Bidyalankar Road,
Kolkata 700 060.

... Applicants.

(By Advocate: Shri M.K.Bhardwaj)

Versus

Union of India & Ors through

1. The Secretary
Ministry of Information & Broadcasting
Shastri Bhawan
New Delhi.
2. The Chief Executive Officer
Broadcasting Corporation of India
(Prasar Bharati)
Dte. General, AIR
New Delhi.
3. The Station Director
All India Radio
Akashwani Bhawan
Eden Garden
Kolkata - 700 001.
4. The Deputy Director General
All India Radio
Akashwani Bhawan
New Delhi-110 001.

... Respondents.

(By Advocate: Shri S.M.Arif)

ORDER (ORAL)

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By Mrs. Meera Chhibber, Member (J):

By this OA, applicants have challenged order dated 29.10.2002 with a further prayer to issue direction to the respondents to implement the OM dated 15.12.2000 and to appoint them as Transmission Executive (G & P).

2. Respondents have taken a preliminary objection to the maintainability of the OA, on the ground that the applicants were engaged at Calcutta by the Station Director Calcutta and even the order, which has been challenged by them in this OA was issued from Calcutta. No cause of action has arisen at Delhi. They had earlier filed OA No.232 of 1996 and C.P. No.39 of 2001 also at Calcutta but since their C.P. was dismissed they filed the O.A. at Delhi before Principal Bench for taking a chance thus this OA is liable to be dismissed on this ground alone as this Bench has no jurisdiction. They have also submitted that OA is barred by limitation as well because the OA was filed in April, 2004 whereas the order challenged is 29.10.2002 therefore the OA is liable to be dismissed being barred by limitation as well.

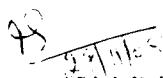
3. Since these preliminary objections were taken by the respondents to the maintainability of O.A., they were required to be decided ^{freshly} ~~fresh~~. Submissions were made at length but after sometime counsel for the applicants prayed he may be allowed to withdraw this OA with liberty to file the same at Calcutta Bench. Since no cause of action had arisen at Delhi and we do not have any jurisdiction in the matter, the prayer of applicants' counsel is accepted. The OA is dismissed as withdrawn. It is made clear that parties would be at liberty to make their respective submissions before the Calcutta Bench as we have not adjudicated any of the issues. Registry


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is directed to retain one set of the OA for record and return other copies to the counsel for the applicants who may file the same at Calcutta Bench if so advised in accordance with law.


(Meera Chhibber)
Member (J)


(M.P. Singh)
Vice-Chairman(A)

/kdr/