

Central Administrative Tribunal
Principal Bench, New Delhi

O.A.No.1457/2004
M.A.No.1222/2004

Tuesday, this the 10th day of August, 2004

Hon'ble Shri S. K. Naik, Member (A)

Intikhab Jafar
S/o late Shri Syed Husain
House No.959, Sector 4
UP Awasnvikas Parishad Colony
Agra-282002

(By Advocate: Shri S.P. Juneja)

..Applicant

Versus

1. Union of India through Secretary
Ministry of Statistics & Programme
Implementation
National Sample Survey Organization
(Field Operations Divisions)
East Block No.6, Level 4-7
R.K.Puram, New Delhi-66
2. Deputy Director General
National Sample Survey Organization
(Field Operations Divisions)
East Block No.6, Level 4-7
R.K.Puram, New Delhi-66
3. Deputy Director Administration
National Sample Survey Organization
(Field Operations Divisions)
East Block No.6, Level 4-7
R.K.Puram, New Delhi-66

..Respondents

(By Advocate: Shri S. M. Arif)

ORDER (ORAL)

Heard the learned counsel for the parties on the point of jurisdiction. Learned counsel for applicant has contended that the applicant was appointed as Hindi Translator with the Ministry of

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Statistics & Programme Implementation, National Sample Survey Organization with its Headquarters at New Delhi. He has been working at Agra Office of the respondents-Department for the last more than eight years and has now been transferred to Regional Office, NSSO (FOD), Madurai by the impugned transfer order. He contends that the impugned order of transfer has been passed by the Delhi office and, therefore, he has laid great emphasis that a part of the cause of action has arisen at Delhi and hence the jurisdiction of the Tribunal at Delhi cannot be ruled out. In this regard, he has referred to Rule 6 (1) (ii) of C.A.T. (Procedure) Rules, 1987, in which it has been stated that an application shall ordinarily be filed by an applicant with the Registrar of the Bench within whose jurisdiction the cause of action, wholly or in part, has arisen.

2. Learned counsel for the respondents, on the other hand, has submitted that the Headquarters of the Ministry of Statistics & Programme Implementation, National Sample Survey Organization, no doubt, is based in Delhi but that would not confer any right to the applicant to agitate the matter at Principal Bench for the simple reason that he is posted in the Organization at Agra and has been working there for more than eight years. There are number of Ministries/Departments/Organizations with their Headquarters at Delhi and orders are issued for implementation to their respective offices/branches elsewhere and, therefore, the directions/orders issued by the Headquarters at Delhi to their attached/subordinate organizations cannot be treated to be conferring any jurisdiction at Delhi as the orders are implemented by their subordinate organizations from the respective places. In the instant case, he contends that the applicant has been serving at Agra from there he has been transferred to Madurai and Delhi does not figure, except that the Head Office from Delhi has passed the order to their office at Agra to relieve him to Madurai. The order to the applicant has been served through the Deputy Director, Agra for compliance.

Answer

3. Learned counsel has further referred to the conduct of the applicant. According to him, the applicant after filing the OA, when confronted with the question of the jurisdiction, has filed a PT but the learned counsel for applicant states that when the Tribunal pointed out that the PT should be filed in order to facilitate the adjudication of the matter by the Principal Bench, he did file the same, but subsequently withdrew the same on the instructions of the applicant. Learned counsel for respondents states that since the applicant has managed to obtain an ad-interim stay order against an order of transfer at the initial stage, he argues that the attempt all through is made to delay the matter and after having filed the PT, the same has been withdrawn. He contends that the jurisdiction does not lie with the Principal Bench at New Delhi.

4. I have considered the contentions raised by the learned counsel for the parties. Insofar as the argument advanced by the learned counsel for applicant that just because the impugned order has originated from New Delhi where the appointing authority and transferring authority are located, he would automatically acquire the jurisdiction for filing the application here at Principal Bench, I am afraid, will not be tenable, specially keeping in view that the applicant has been serving at Agra for the last more than eight years and the order of transfer has been received by him at Agra. The Head Office at Delhi ^has marked the said order for being served on the applicant at Agra through the Deputy Director, Agra. The cause of action, therefore, squarely arises at Agra and not at Delhi. Besides, if the appointing authority and transferring authority for all the employees of the Department are located at Delhi, it cannot be said that all cases from all over the country will have to come to Delhi for adjudication. If that be the case, then the very purpose for which the number of Benches of this Tribunal have been set up all over the country would get defeated. It should be appreciated that it is only for the benefit and advantage of the Central Government employees that the Benches have been set up at different places and their geographical/territorial jurisdiction have been delineated. In the case in hand, I find that the applicant having

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been advised to file a PT had indeed filed the same but for the reasons known to him alone, the same has, during the course of the hearings, been withdrawn and it is now being contested on the ground that this Bench has the jurisdiction over the matter. Obviously, there is something more than that meets the eye by filing the OA. Keeping in view the peculiar facts and circumstances of the case and also that the respondents-competent authority having been located at Delhi and their directions have been passed to their subordinate offices at Agra, the Principal Bench would have no jurisdiction to entertain the matter.

5. Since the Principal Bench has no jurisdiction to entertain the matter, obviously, the OA also stands dismissed and the ad-interim order passed on 4.6.204 also goes along with it.

Issue Dasti.

S. K. NAIK
(S. K. NAIK)
Member (A)

/sunil/