

(X)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
PRINCIPAL BENCH.
NEW DELHI.

Date of Decision: 07.05.1992

OA 888/1992

SHRI HARBANS SINGH

... APPLICANT.

VS.

UNION OF INDIA & ORS.

... RESPONDENTS.

CORAM:

THE HON'BLE SHRI J.P. SHARMA, MEMBER (J).

THE HON'BLE SHRI B.N. DHOUNDIYAL, MEMBER (A).

For the Applicant

... Mrs.Sarla Chandra

For the Respondents

... None

1. Whether Reporters of local papers may be allowed to see the judgement ?
2. To be referred to the Reporters or not?

JUDGEMENT (ORAL)

(DELIVERED BY HON'BLE SHRI J.P. SHARMA, MEMBER(J).)

In this application, the applicant Shri Harbans Singh, Telegraphist, posted in the office of DTO, Roorkee and he has assialed the punishment orders dated 15.11.88 and 7.3.89 also claiming that he may be allowed his salary dues from January, 1992. It is not disputed that the applicant is posted under Assistant Superintendent officers of Railway Office at Lucknow and Supdt., Telegraphic Traffic Office, Saharanpur and Roorkee respectively.

↓
...2...

5

^{le}
^{Both}
the places are in Uttar Pradesh, for which there is a Bench of Central Administrative Tribunal located at Allahabad with Circuit Bench at Lucknow. On the last occasion the Division Bench passed an order that the applicant should get permission of instituting the application, if so desired, of the Hon'ble Chairman under the relevant Section 25 of the Administrative Tribunals Act, 1985. The matter appeared to have been considered by the Hon'ble Chairman on 1.5.92 and on perusal of this petition it was observed that there is not a single ground stated which could be justified to institute the proceedings before the Principal Bench. The Registry was directed to place the matter before the appropriate Bench.

We have considered the matter in the light of the territorial jurisdiction of the Principal Bench. As per Rule 6 of the Administrative Tribunals (Procedure) Rules, 1987 the applicant can institute an application for redress of his grievance where the cause of action wholly or partly arises, at the place of his posting with an exception to a retiree or dismissed

↓

(b)

employee who may institute the same at the place of his residence. The applicant is still in service. In the present case, the applicant is posted in U.P.

Para-8 of the application deals with the relief clause. Relief-1 is regarding the transfer back to Saharanpur. Relief No.2 is for quashing the punishment order dated 15.11.88 and 7.3.89. Both the orders have been passed administratively by the offices located in Uttar Pradesh. The third relief is for the salary dues from January, 1992 and that too can be reimbursed from Head of the office ^{or} and Head of the department as the case may be having their offices in Uttar Pradesh.

The learned counsel for the applicant, however, stressed that the applicant has been victimised because of his community and that he has been transferred to Gopeshwar, UP as a result of some malafide action on the part of administration. This is a question to be entered into on the merit of the case. Regarding territorial jurisdiction primarily the place where the cause of action in part or whole has arisen ^{should be} ~~in~~ the place where the

le

(A)

application can be instituted. To our mind, therefore, since there is no permission of the Hon'ble Chairman that the application should be retained in the Principal Bench, so the present application is beyond the territorial jurisdiction of the Principal Bench and therefore disposed of as not maintainable and the applicant to take the same or withdraw the same to file it in the appropriate Bench of the Central Administrative Tribunal subject to the law of limitation.

B.N. Dhoondiyal
(B.N. DHOUNDIYAL)
MEMBER (A)
07.05.92

J.P. Sharma
(J.P. SHARMA) 7.5.92
MEMBER (J)
07.05.92