

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.



Regn.No. OA 2143/1993

Date of decision: 15.10.1993

Shri Mahilal

...Petitioner

Versus

Union of India & Others

...Respondents

For the Petitioner

...Shri B.S. Oberoi, Counsel

CORAM:

THE HON'BLE MR. JUSTICE S.K. DHAON, VICE CHAIRMAN  
THE HON'BLE MR. B.N. DHOUNDIYAL, ADMINISTRATIVE MEMBER

JUDGMENT (ORAL)  
(of the Bench delivered by Hon'ble Mr.  
Justice S.K. Dhaon, Vice-Chairman)

The petitioner was posted as a PW-I in the Northern Railway at Chandausi (U.P.). Shortage of certain items was detected at Chandausi during the period when the petitioner was posted there. Some correspondence ensued between the office of the DRM, Moradabad and the Headquarters at Delhi and thereafter a charge memo was issued to the petitioner by the DRM, Moradabad and was served upon him (the petitioner) at Amroha where he was transferred in the meanwhile. After considering the version of the petitioner, a penalty was imposed upon him vide order dated 16.05.1993 passed by the Divisional Superintending Engineer, Moradabad.

2. The prayer, in substance, is that the charge memo dated 17.11.1992 and the order dated 16.05.1993 imposing a penalty upon the petitioner, may be quashed.

3. It appears to us that in order to clutch the jurisdiction of the Central Administrative Tribunal, Principal Bench, the petitioner has made a prayer that some letters of Deputy C.A.O(S&C) and S.A.O., Northern Railway, Baroda House, New Delhi dated 07.11.1992 and

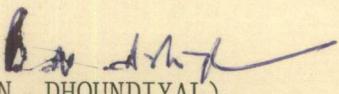
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08.04.1992, may also be quashed.

4. The question to be determined is whether any part of the cause of action has arisen within the jurisdiction of the Principal Bench so as to enable the petitioner to approach this Bench with an application under Section 19 of the Act. It may be that the charge memo may have been issued to the petitioner on the basis of certain recommendations made by the Headquarters at Delhi. Admittedly, the DRM was the authority competent to issue the charge memo. He was required to apply his mind before issuing the same. In law, it was his independent act. In these circumstances, it cannot be said that a part of the cause of action has arisen within the jurisdiction of the Principal Bench merely because the DRM may have taken into account the observations made in the communications dated 07.11.1992 and 08.04.1992 of the Dy. CAO (S&C) and SAO, Northern Railway, Baroda House, New Delhi.

5. This application is not maintainable, in the absence of the permission of Hon'ble Chairman under Section 25.

  
(B.N. DHOUDIYAL)  
MEMBER (A)  
15.10.1993

  
(S.K. DHAON)  
VICE CHAIRMAN  
15.10.1993

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