

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 28th day of February, 2002.

Original Application No. 774 of 2001.

CORAM :-

Hon'ble Mr. Justice RRK Trivedi, V.C.

Prem Shanker Singh S/o Sri Jamuna Prasad,
R/o Collector Ghat,
Ghazipur.

(Saumitra Singh, Advocate)

..... .Applicant
Versus

1. Union of India through the
Secretary, Ministry of Finance,
Department of Revenue, North Block,
New Delhi.
2. Narcotics Commissioner of India, Central
Bureau of Narcotics 19, The Mall, Morar,
Gwalior M.P.
3. Addl. Narcotics Commissioner
Central Bureau of Narcotics (Prashashan Evam
Niwarak) 19, The Mall, Morar, Gwalior M.P.
4. Deputy Narcotics Commissioner Central Bureau
of Narcotics, B-912, Sector A, Mahanagar,
Lucknow.
5. Shri RP Meena, Deputy Narcotics Commissioner,
Central Bureau of Narcotics, B-912, Sector-A,
Mahanagar, Lucknow-6.

(Sri A.N. Shukla, Advocate)

..... .Respondents

O R D E R (O_r_a_1)

By Hon'ble Mr. Justice RRK Trivedi, V.C.

This OA has been filed under Section 19 of the
Administrative Tribunals Act, 1985, challenging the
order dated 5/18 May 2001 (Annexure-1 to the OA) by which
the applicant has been transferred from U.P. Unit to
M.P. Unit as Sub Inspector in Central Bureau of Narcotics.
It is not disputed that in pursuance of the impugned
order of transfer the applicant has already joined at
Gwalior.

2. Sri AN Shukla, counsel for the respondents, has
raised a preliminary objection regarding maintainability
of the OA on the ground that the applicant at the



relevant time was serving at Lucknow and the order has been passed at Gwalior by Deputy Narcotics Commissioner. Thus, no part of ^{Cause of} action has arisen, on ^{Bank} which the OA may be filed at Allahabad. The OA is liable to be rejected as not maintainable.

3. Sri LM Singh, counsel for the applicant ^{own} the other hand submitted that posting is done unitwise and the applicant was posted in U.P. Unit and his jurisdiction was over the entire State of U.P. and thus the OA is maintainable.

4. I have considered the submission of the learned counsel for the parties. There is no dispute that the impugned order has been passed at Gwalior and the office of the applicant was located at Lucknow. The question of jurisdiction cannot be decided on the basis of jurisdiction of the applicant. It is not disputed that he was posted at Lucknow and his office was located at Lucknow. Under the impugned order he has been transferred to Gwalior in the State of M.P. where he has joined. Thus, for filing an application under Section 19 of the Administrative Tribunals Act, 1985, no part of ^{Cause of} action had arisen out of 12 districts falling within ^{Bank} ~~our~~ area including Lucknow for which Lucknow Bench of this Tribunal has exclusive jurisdiction. The OA is thus not legally maintainable in this Bench of the Tribunal. The OA is accordingly dismissed with liberty to the applicant to file a fresh OA if so advised. No costs.


Vice Chairman

Dube/