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Reserved

Central Administrative Tribunal, Allahabad.

Registration O.A.No.726 of 1987

Km.Anuradha Saxena ... Applicant

Vs.

Union of India
and two others ... Respondents.

Hon.G.S.Sharma, JM
Hon.K.J.Raman, AM

(By Hon.G.S.Sharma, JM)

This is an application u/s.19 of the Administrative Tribunals Act XIII of 1985. In response to an advertisement issued by the Railway Service Commission Bombay, the applicant had applied and appeared in the written test held for the post of Office Clerk. She was declared qualified in the written test and was interviewed at Bhopal on 18.12.1981 and she was informed vide letter dated 7.8.1982 issued by the Railway Service Commission that she has been declared successful in the selection and her name has been recommended to the Central Railway for appointment as Office Clerk. The applicant was, however, not given the appointment though other candidates declared successful in the said ~~test~~ ^{selection} were appointed. Despite correspondence when the applicant was not given any appointment or explanation for not giving her the appointment, she filed this petition on 11.8.1987 for a direction to the respondents to release the letter of her appointment.

2. The petition has been contested on behalf of the respondents and in the reply filed on behalf of the Railway Service Commission now known as Railway Recruitment Board-respondent no.3 it was stated that no cause of action arose to the applicant for filing this petition within the jurisdic-

(13/2) (14)

.2.

ion of this Bench of the Tribunal as the cause of action had arisen at Bombay. The results which are declared provisionally can be withdrawn at any time for valid reasons and the result of the applicant was subsequently withdrawn following investigation by the Vigilance Directorate of the Railway Board. and candidates whose names were cleared by the Vigilance Directorate were given appointment. The railway administration has a right even to cancel an appointment of any employee if some irregularity in ~~the~~ selection is noticed subsequently. The applicant was disqualified on the basis of the vigilance report which is strictly confidential and the same cannot be placed on the record. ~~Some~~ Mere declaration ^{& 1} the result does not confer any right on the applicant.

3. In her rejoinder the applicant disputed the right of the respondents to disqualify her on the basis of any report and stated that the same should be placed on the record.

4. The respondents have challenged the jurisdiction of this Bench to entertain the present petition and it has been pleaded that the office of the Railway Recruitment Board is situated at Bombay and no cause of action had arisen within the jurisdiction of this Bench. In reply to this plea taken by the respondent no.3 in para 3 of the reply, the applicant simply stated in para 3 of her rejoinder that the petition is justiciable in this Tribunal which has jurisdiction to try the same. The plea is vague as the applicant has not stated that

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the petition is justiciable before this Bench of the Tribunal and it has also not been shown as to how this Bench has to the jurisdiction to make adjudication in this case. In para 4 of the petition, it has been stated that the applicant is not working under anybody's jurisdiction and she is unemployed and physically living at Jhansi aspiring for employment and this Tribunal has jurisdiction to try the petition. Rule 6 of the Central Administrative Tribunal (Procedure) Rules, 1987 as in force at the time this petition was filed ran as follows :-

"Place of filing applications- The application shall ordinarily be filed by the applicant with the Registrar of the Bench within whose jurisdiction:

(i) the applicant is posted for the time being, or

(ii) the cause of action has arisen, or

(iii) the respondent or any of the respondents against whom relief is sought, ordinarily resides:

Provided that the application may be filed with the Registrar of the Principal Bench and, subject to Section 25 of the Act, such application may be transmitted to be heard and disposed of by the Bench which has jurisdiction over the matter."

Undisputedly, the applicant is not posted anywhere and none of the 3 respondents resides ~~or has its office~~ in any part of U.P. within the jurisdiction of this Bench. The clauses (i) and (iii) of rule 6 are, therefore, not attracted in this case and the jurisdiction of the Bench has to be determined solely on the basis of the cause of action mentioned in clause (ii). It is not alleged or shown by the applicant that any part of the cause of action had arisen within Uttar Pradesh. Her living at Jhasni and aspiring for employment on Central

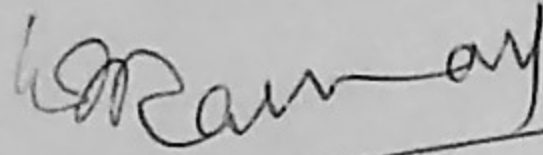
(13/4) (6)

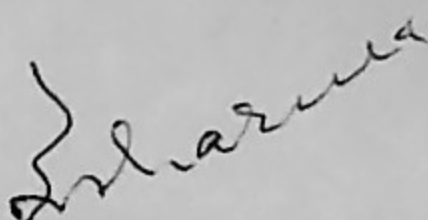
.4.

Railway at Jhanisi seems to be immaterial so far as the accrual of cause of action is concerned. We are, therefore, of the view that no part of the cause of action in this case arose within the jurisdiction of this Bench and we have no jurisdiction to try this case.

5. In view of the above finding, it is neither necessary nor desirable on our part to express any opinion about the merits of this case.

6. We accordingly direct the Registry to return the petition to the applicant for presentation before the appropriate Bench of the Tribunal. ^{costs shall abide the} The ultimate result of the case, ~~shall abide the cost, incurred by the parties before this~~ Bench.


MEMBER (A)


MEMBER (J)

Dated: 9.1.1989
kkb.