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Reserved

Central Administrative Tribunal, Allahabad.  
Registration D.A.No. 837 of 1987

Rajendra Prasad Sahu

....

Applicant

Vs.

Railway Recruitment Board,  
Bombay

.....

Respondent

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

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

This is a petition under Section 19 of the Administrative Tribunals Act XIII of 1985 and the applicant has prayed that the respondents be directed to call him for interview for being appointed on the post of Sr.Draftsman/Sr. Estimator and to appoint him on the said post.

2. The relevant facts of this case are that the applicant is a resident of Allahabad within the jurisdiction of this Bench of the Tribunal. In response to an employment news published in the news papers by the respondent, the applicant had applied for the post of Sr.Draftsman/ Sr. Estimator and he was called for written examination by the respondent which was held at Nasik on 25.5.1986. The applicant was found successful in the written examination, result whereof was published in the ROJGAR SAMACHAR dated 7.2.1987, and it was notified that successful candidates shall be called for interview personally and interview cards in person shall be given subsequently. It is alleged that the applicant did not receive any interview card and when he knew that some persons who had appeared in the written examination with him were finally selected and given the appointment,

he filed this petition on 7.9.1987 for the relief stated above.

3. The petition has been contested on behalf of the respondent and it has been stated in its reply that this Bench has no jurisdiction to proceed with the case as the cause of action had arisen at Bombay. The applicant was called for interview on 14.5.1987 under roll no. 84 issued to him under Certificate of Posting. The presumption is that the said interview letter must have reached the applicant and he himself did not attend the interview on the said date and he could have, therefore, no grievance against the respondents. The results of the competitive examination were finalised long before and the names of the successful candidates were <sup>also</sup> ~~fully~~ recommended to the Railway Administration for appointment and the petition is very much belated and is not maintainable on this ground as well. The petition has no merit and it is liable to be dismissed.

4. In his rejoinder, it has been stated by the applicant that the admit card for the written examination was received by the applicant at Allahabad and according to the contention of the respondents, even the admit card for the interview was sent to the applicant to his Allahabad address and as such, a part of the cause of action had arisen at Allahabad within the jurisdiction of this Bench of the Tribunal and the contention of the respondent to the contrary is not correct. He denied his having received any interview card/letter from the respondent and maintained that he has the cause of action as in the eye of law he was entitled to receive the interview card personally as intimated by the respondent while declaring the results of the written examination.

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5. We will first like to consider the question of jurisdiction of this Bench of the Tribunal raised by the respondent. According to rule 6 of the Central Administrative Tribunal (Procedure) Rules, 1987, a petition can be filed by the applicant with the Registry of the Bench within whose jurisdiction the applicant is posted for the time being or the cause of action wholly or in part had arisen. The applicant still seems to be out of employment and the question of his posting under the respondent within the jurisdiction of this Tribunal does not arise. According to him, the Allahabad Bench of the Tribunal has jurisdiction to entertain this case only because the admit card for the written examination was received by the applicant at Allahabad and even for the interview he was entitled to get the call letter at Allahabad and even according to the contention of the respondent it was actually sent to him at his Allahabad address.

6. Similar question had arisen before this Bench in O.A.No. 725 of 1987 (Tanvirul Islam Vs. Railway Recruitment Board and another) and after very careful consideration of the relevant case laws the contention of the applicant regarding jurisdiction was rejected and in our decision rendered today, it has been held that the mere service of notice <sup>at</sup> any place within the territorial jurisdiction of a Court or Tribunal will not confer jurisdiction on it as the service of notice is not a part of cause of action. The principles laid down in the said decision will equally apply to the case before us and we accordingly held that this Bench of the Tribunal has no jurisdiction to try this case. In view of this finding, we will not like to enter into the merits of the case of the applicant.

7. We accordingly direct the Registry to return the original petition of the applicant to him for presentation before the proper Bench of the Tribunal. The costs of this case shall abide by the ultimate result of the petition, if any, is filed by the applicant. The parties shall, otherwise bear their own costs of the petition.

~~MEMBER (A)~~

MEMBER (J)

Dated: Feb 21, 1989  
kkb.