

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

O.A. No: O.A. NO. 691 of 1989

T.A. No:

DATE OF DECISION: 28/8/95

Rajeev Kumar Jain ----- PETITIONER.

Shri R. K. Nigam ----- ADVOCATE FOR THE
PETITIONER

VERSUS

Union of India & Ors ----- RESPONDENTS.

Shri C. P. Srivastava ----- ADVOCATE FOR THE
RESPONDENTS.

COURT

The Hon'ble Mr. Justice B. C. Saksena, VC

The Hon'ble Mr. S. Das Gupta, Member (A)

1. Whether Reporters of local papers may be allowed to see the judgement? X
2. To be referred to the Reporter or not? Yes
3. Whether their Lordships wish to see the fair copy of the judgement? X
4. Whether to be circulated to all other Bench? X

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SIGNATURE

JAYANTI/

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CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 28th DAY OF AUGUST 1995

Original Application No.691 of 1989

HON. MR. JUSTICE B.C. SAKSENA, V.C.

HON. MR. S. DAS GUPTA, MEMBER(A)

Rajeev Kumar Jain, aged about 26 years
S/o Shri B.L. Jain, r/o 421 Chamanganj
Sipri Bazar, Jhansi

.... Applicant

BY ADVOCATE SHRI R.K. NIGAM

Versus

1. The Union of India through General Manager
Central Railway, Bombay V.T.
2. Chairman, Railway Recruitment Board,
Churchgate, Bombay

.... Respondents

BY ADVOCATE SHRI C.P. SRIVASTAVA

Order(Reserved)

JUSTICE B.C.SAKSENA, V.C

Through this OA, the applicant seeks relief of a direction to the respondents commanding them to bring the petitioner in the select list of sub-inspector(RPF) and or Commercial Apprentice against categories no.21 & 27 on the basis of written examination and further on the basis of various criteria having been fulfilled and satisfied at the time of physical test.

2. The brief facts are that the Railway Recruitment Board had published vacancies of different categories in Rojgar Samachar of Saturday the 11th July 1987 against the Employment notice no.2/87. The applicant submitted his candidature in respect of two particular categories i.e.21 and 27 for the post of Sub Inspector(RPF) in the grade of Rs.1400-2300 and Commercial Apprentice grade Rs.1600-2600. Since this petition is liable to be

dismissed on the preliminary objection raised in the written statement filed by the respondents, it is not necessary to give out the facts and grounds raised by the applicant. The preliminary objection is that the OA is not maintainable before this Bench of the Tribunal inasmuch as cause of action disclosed in the OA arose at Bombay. The Head office of the contesting respondents is at Bombay. The publication of the advertisement was from Bombay. The test was held at Bombay and thus it is pleaded that the cause of action accrued outside the territorial jurisdiction of this Bench. The learned counsel for the applicant alleged that the petition would be maintainable on the basis of the plea that the written test has been held at Jhansi and viva-voce test has been held at Bombay. This averment has been made in paragraph 2 of the petition. This averment is clearly contrary to the applicant's own averment made in paragraphs 4.11, 4.12 4.15 et seq which go to show that the examinations were held at Bhopal against category no.1 Sub Inspector(RPF). The applicant was guilty of making a deliberate mis-statement that the written test was held at Jhansi. It was on his own showing held at Bombay.

3. The applicant in his Rejoinder affidavit does not dispute the said factual position. No part of the cause of action accrued within the territorial jurisdiction of this Bench of the Tribunal. But since RPF is an Armed Force of the Union the OA is not cognizable by the Administrative Tribunal. The O.A., therefore, deserves to

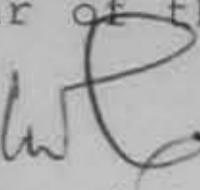
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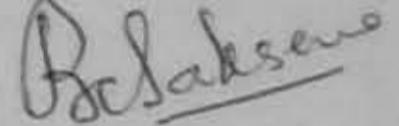
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be dismissed and it is dismissed. Cost of Rs.500/- (Rupees Five Hundred) is awarded against the applicant in favour of the respondents.


MEMBER (A)


VICE CHAIRMAN

Dated: August 28th 1995

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