

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

Original Application No: 971 of 1992

Dated: 30.11.94.

Sunil Bhatnagar, aged about 28 years
S/O Shri D.P.Bhatnagar R/O 38/1. Banglaghat,
Jhansi.

.... Applicant.

By Advocate Shri R.K.Nigam

Versus

Union of India & Ors.

.... Respondents.

By Advocate Shri G.P.Agarwal

CORAM:

Hon'ble Mr. S.Das Gupta, Member-A
Hon'ble Mr. T.L.Verma, Member-J

O R D E R

(Hon'ble Mr. T.L.Verma, J.M.)

challenge

The subject matter of ~~xxxxxx~~ in this O.A.
is order dated 24.07.1991 whereby the representation
dated 24.4.1991 filed by the applicant for taking him
back as Apprentice Fireman 'A' has been rejected.

2. The facts of the case as made out in the
application in short are;

That the applicant was approved as Apprentice
Fireman 'A' on the recommendation of the Railway
Service Commission. He joined the working post on
11.7.1985 at Locoshed (Steam) Kalyan under respondent

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No. 2. From there, he was sent for training to Kurla. He went to Jhansi on 24.7.1985 on three days' Casual Leave to attend ~~the~~ his ailing grandmother. While on leave, he himself fell ill and was treated in Central Railway Hospital, Jhansi. As the treatment in the Railway Hospital did not respond, it is stated, the applicant was removed to ~~a private~~ Doctor Sahai, a private practitioner for treatment and remained under his treatment up to 7.2.1986. The applicant could not resume his training at Kurla, on account of ~~of~~ his own illness and illness of his grandmother, on the expiry of his Casual Leave. He was declared fit by the Doctor on 8.2.1986. The applicant claims to have sent information of his illness to the Loco Foreman Kurla from time to time.

3. It is stated that the applicant was transferred from Bombay to Jhansi vide order, communicated under letter No. HPB/706/854/T/D/TR/App. F/NA dated 20.1.1986. On receipt of the above order, he got in touch with the respondent No. 3 and requested ^{to permit him} to resume his training ^{allowed} at Locoshed Jhansi. He was, however, ~~not allowed~~ to join and resume his training. He made representation against the arbitrary manner in which respondent No. 3 refused to allow him to join at Locoshed Jhansi. The representation filed by him has been rejected by order dated 24.7.1991 (Annexure-3) which has been impugned in this application. It is stated that refusal to permit the applicant to resume his training without giving him notice is illegal, contrary to rules and without jurisdiction. Hence, this application for

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quashing order dated 24.7.1991 and thereafter, for issuing a direction to allow the petitioner to resume his training at Jhansi and complete the same and ^{batch} also to give him ~~xxx~~ seniority and other consequential benefits.

4. The respondents have resisted the claim of the applicant. It has been averred in the Written Statement filed on behalf of respondent No. 1 & 2 that as the alleged ~~case~~ ^{as} of action has arisen against respondent No. 2 the dispute falls within the territorial jurisdiction of Central Administrative Tribunal Bombay Bench. This application, therefore, is not maintainable before this Tribunal.

It has further been averred that the apprenticeship of the applicant was terminated for unauthorised absence from 3.8.1985 and as such the prayer for permitting the applicant to resume his training is not maintainable. Further, it has been contended that the violation of the terms of agreement entered between the applicant and the President of India has entailed in automatic termination of the apprenticeship and that as the validity of the agreement has not been challenged, the termination of apprenticeship also cannot be challenged.

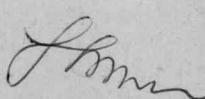
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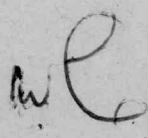
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5. We have heard the rival contentions and perused the record. Admittedly, the petitioner was directed to join Locoshed (Steam) Kalyan which is within the Bombay Division of the Railways. From there, he was directed for training at Kurla which also is within the Bombay division of the Railways. He is alleged to have been transferred by order dated 20.1.1986 (Annexure A-1) from Bombay to Jhansi. The representation of the applicant for taking him back as Apprentice Fireman 'A' has also been rejected by Chief Personnel Officer Central Railway, Bombay V.T. It would thus appear that the cause of action has arisen within the territorial jurisdiction of the Bombay Bench of the Central Administrative Tribunal. This application, challenging the validity of the impugned order dated 24.7.1991 ought to have been filed before Bombay Bench of the Central Administrative Tribunal. In that view of the matter, this ~~xx~~ Tribunal has no jurisdiction to entertain this application and the same deserves to be dismissed as not maintainable.

6. In view of the conclusions arrived at above, this application is not maintainable within this Tribunal. We express no opinion on other issues raised by the parties.

In the result, this application is dismissed as not maintainable.


Member-J


Member-A