

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Original Application No.327 of 2002

Monday, this the 28th day of April, 2003

Hon'ble Maj. Gen. K.K.Srivastava, A.M.

Hon'ble Mr. A.K.Bhatnagar, J.M.

Jai Prakash Mishra,
Son of Shri Chinta Mani Mishra,
r/o Quarter No.169/A, Type IV,
D.L.W. Colony, Varanasi- 221004.

...Applicant

(By Advocate : Shri S.K.Om)

Versus

1. Union of India,
through the Secretary,
Ministry of Railways,
Rail Bhawan, New Delhi.

2. The Chairman,
Railway Recruitment Board,
D-15, Machna Colony,
Near Bus Stop No.6,
Shivaji Nagar, Bhopal - 16.
Pin ; 462 016.

... Respondents.

(By Advocate : Shri K.P.Singh)

ORDER (ORAL)

By Hon'ble Maj. Gen. K.K.Srivastava, A.M. :

This O.A. has been filed under Section 19 of A.T. ^{that} Act, 1985, the applicant has prayed/a direction be issued to the respondents to issue the appointment letter in his favour on the post of Apprentice Section Engineer (Telecom.) for Central Railway and also to publish requisite Panel for the post of Apprentice Section Engineer (Telecom.) for Central Railway in connection with and against the

vacancy notified in the Employment Notice dated 8.05.1999 (Annexure -3 of the OA) and also against the vacancies added to the post of Apprentice Section Engineer (Telecom.) Category No.2 during this period.

2. The facts giving rise to this OA, in short, are that the applicant is a permanent resident ⁱⁿ ~~of~~ the City of Varanasi. A notification was issued on 8.5.1999 for the post of Apprentice Section Engineer etc. A photo copy of notification has been filed in Annexure-3. The applicant appeared in the examination and was declared successful. The applicant on getting information about his selection attended ^{in Railway Recruitment Board} (RRB), Bhopal on 14 August, 1999. His documents were also verified but he has not been provided the appointment. The applicant is aggrieved by the action of the respondents in not giving him appointment.

3. We have heard counsel for the parties on the question of jurisdiction. Shri S.K.Om, learned counsel for the applicant submitted that under the provisions of Rule 6 of C.A.T. (Procedure) Rule of 1987, this Tribunal has the jurisdiction to hear this OA. The learned counsel for the applicant submitted that the applicant is resident of Varanasi and all the communications from RRB have been sent at the Varanasi address. A part of cause of action has arisen at Varanasi, which is under the jurisdiction of this Tribunal. He has placed reliance on the Judgment of Cuttack Bench of this Tribunal in Vipra Charan Mohanti Vs. Union of India & Others 1987 (4) A.T.C. 919 and also the Judgment of

Hon'ble Orrissa High Court in Tapan Kumar Dalai Vs. Union of India and Others 2003 L.A.B. I.C. 54, wherein it has been held that a Bench has jurisdiction and can entertain the application if a part of the cause of action arises there.

4. The learned counsel for the respondents opposing the claim of the applicant submitted that as per Para 14 of the Notification, the jurisdiction lies at Bhopal. Therefore, the applicant cannot agitate the matter before this Bench. He has placed reliance on the judgment of Patna Bench of this Tribunal dated 20.10.2000 passed in O.A. No. 242/99, Firoj Kumar Singh Vs. Union of India & Others.

5. We have heard the counsel for the parties on the question of jurisdiction, considered their submissions and perused the records.

6. In para 14 of the Notification dated 8.5.1999 (Annexure-3) the following has been provided :

" 14. For any legal dispute the jurisdiction will be at Bhopal (M.P.) only."

In view of Para 14 of the Notification, we are convinced that this Tribunal has no jurisdiction to entertain the present O.A. The proper course upon to the applicant is to approach the appropriate forum as provided in the Notification. The case of Vipra Charan Mohanti ^(Subra) relied upon by the applicant is regarding compulsory retirement and the case of Tapan Kumar Dalai ^(Subra) regarding the dismissal from the service. Both the cases referred to above will not help the applicant.

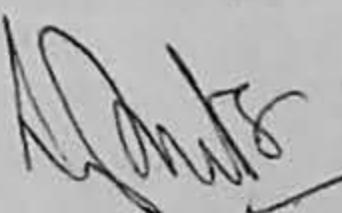
7. Patna Bench of this Tribunal in the case of Firoj Kumar Singh (supra) has held as under :-

" In view of the aforesaid findings that this Bench of the Tribunal has got no territorial jurisdiction relating to the matter in dispute, there is little scope to enter into the merit of the case. However, it may be pointed out that in similar bunch of cases i.e. OA No.575 of 1998 and others on difference of opinion on the point as to whether the respondents railways be directed to publish the merit list on the basis of earlier interview-cum-psychological test or on the basis of fresh interview-cum-psychological test as ordered in compliance of the policy decision of the Railway Board, the matter was referred to a Larger Bench, which held that the applicants were not entitled to the relief and dismissed the applications vide order dated 29th May, 2000 in OA No.575 of 1998 and six other cases. According to the aforesaid decision in the Larger Bench of this Tribunal the applicants have no case on merit also."

8. We are ⁱⁿ _{in} agreement with the same, We find no good ground for interference. The OA is accordingly dismissed on the ground of jurisdiction. However, the applicant will be at liberty to approach the appropriate forum, if so desired.

9. There shall be no order as to costs.


Member-J


Member-A

RKM/