

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH ALLAHABAD.

ORIGINAL APPLICATION NO.1126 of 2002.

Allahabad this the 26th day of March 2003.

Hon'ble Mr. Justice R.R.K. Trivedi V.C.

Lakhpat Singh  
S/o Shri Ram Veer,  
R/o Village Kamona  
Tahsil Sikarpur  
District Bulandshahr.

.....Applicant.

(By Advocate: Sri B.K. Srivastava)

Versus.

1. Union of India  
through Secretary  
Ministry of Home Affairs,  
North Block, New Delhi- 110001.
2. The Secretary  
Ministry of Social and Harizan Welfare,  
New Delhi.
3. Joint Director  
Directorate of Co-ordination (Police Wireless)  
Block No.9, CGO Complex,  
Lodhi Road, New Delhi.
4. District Magistrate Bulandshahr/  
Additional District Magistrate (Admn.),  
Bulandshahr.

.....Respondents.

(By Advocate: Sri G. Prakash/ Sri K.P. Singh)

O R D E R

By this O.A. filed under section 19 of Administrative Tribunals Act 1985, the applicant has challenged the order dated 27.06.2002 (Annexure 1) by which applicant has been placed under suspension, as disciplinary proceeding against him are contemplated. The order has been passed under sub-rule (i) of Rule 10 of C.C.S (C.C.A) Rules, 1965. Learned counsel for the respondents has raised his preliminary objection that this O.A. is not legally maintainable in this Tribunal. The order has been passed





by Joint Director, Ministry of Home Affairs, Directorate of Co-Ordination New Delhi and the applicant at the relevant time was posted at Bhopal as Cipher Operator. It is submitted that the cause of action ~~did~~ not arise at ~~any place~~ <sup>any place or in</sup> with the State of Uttar Pradesh and, thus, this O.A. is not legally maintainable.

2. Learned counsel for the applicant, on the other hand, submitted that the impugned order of suspension has been passed against the applicant on basis of the report submitted by District Magistrate, Bulandshahr. Hence, the cause of action has arisen to the applicant in the State of Uttar Pradesh also. Reliance has been placed on the show cause notice issued to the applicant on 6.12.2001 filed as Annexure 6.

3. I have considered the submissions of the learned counsel for the parties.

4. I find force in the preliminary objection raised by the learned counsel for the respondents. The O.A. can be filed in this Tribunal under Rule 6 of Central Administrative Tribunals (Procedure) Rules 1987 before Bench within whose jurisdiction the applicant is posted for time being or the ~~cause of action at the~~ place where <sup>the cause of action for</sup> it has arisen. There is no doubt that at the time of ~~passing of~~ impugned order of suspension, the applicant was posted at Bhopal in the State of Madhya Pradesh. The order has been passed in New Delhi. Thus, even part of the cause of action has not arisen within the State of Uttar Pradesh. The fact that some report was submitted by the District Magistrate on enquiry being made by the Ministry of Home Affairs Directorate of Co-ordination (Police Wireless) New Delhi, it cannot be said that the ~~cause of~~ action arose to the applicant within this State. The submission of the report by itself cannot give

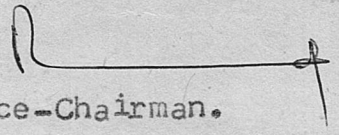
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rise to cause of action. The cause of action for filing O.A. has arisen on passing the order of suspension. In any view of the matter against the show cause notice dated 6.12.2001, Applicant has also filed a writ petition before the Hon'ble High Court as writ petition No.38439 of 2002 which is pending. The report of District Magistrate could not be questioned before this Tribunal.

5. In the circumstances, this <sup>O.A.</sup> is found not maintainable in this Tribunal. The O.A. shall be returned to the applicant for being <sup>filed</sup> before appropriate Bench of this Tribunal.

No order as to costs.

  
Vice-Chairman.

Manish/-