

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.224 OF 2003
ALLAHABAD THIS THE 21st DAY OF MAY, 2003

HON'BLE MR. S.K. AGRAWAL, MEMBER-A
HON'BLE MRS. MEERA CHHIBBER, MEMBER-J

Som Pal Singh,
Son of Sri Ram Chandra Singh,
Resident of Village Lent Ka Ratha,
Post Office-Rajabpur,
Tahsildar-Amroha,
District-Moradabad.

.....Applicant

(By Advocate Shri S.I. Ali)

Versus

1. Union of India,
through Secretary,
Ministry of Defence,
New Delhi.
2. Officer Commanding ,
A.S.C. Centre (M.T.), South,
Bangalore-7.
3. Captain, (O.C.),
Unit-11, R.R. Battalion,
Jammu.Respondents

(By Advocate Shri N.C. Nishad)

ORDER

HON'BLE MR. S.K. AGRAWAL, MEMBER-A

The applicant has filed this O.A. seeking relief
for issuing a direction to the respondents to allow the
applicant to join his duty at Bangalore from where he was



transferred to Jammu and to issue a suitable order or direction as this court may deem fit.

2. The brief facts are that the applicant joined the services of Indian Arms Force as Sepoy, M.T. (Technical Civil Port) in the year 1995 at A.S.C. Centre Bangalore, under respondent no.2. He was transferred from Bangalore to 11 R.R. Battalion C/o 56 A.P.O. vide order dated 19.07.2002. Accordingly, the applicant was to join at the new place of posting after expiry of 10 days E.L. and six days preparation leave excluding Sunday. It is further mentioned in the O.A. that in compliance of the aforesaid order, the applicant departed and reached his home for entertaining and enjoying his granted leave with his family. However, when he reached his home, he found that his wife was in a critical condition as she had become victim of jaundice and was given bed rest. The applicant, therefore, stayed back at his home and could not give his joining to respondent no.3 in time. He had further sent a telegram on 17.08.2002 to respondent no.3 for his being late, in ~~could~~ not joining at unit on account of chronic sickness of his wife. When the applicant reached at the new place of posting on 16.10.02 he was not permitted by respondent no.3 to give his joining report and was asked ~~him~~ to go back to respondent no.2. However, when the applicant reached at Bangalore the respondent no.2 also did not permit him to join at Bangalore and asked him to go back to respondent no.3 for joining.

3. Heard both the counsel for the parties and perused the pleadings as well.

4. We ~~found~~ find that this O.A. has been wrongly filed ~~here~~

by the applicant as this Tribunal has no jurisdiction. The case of the applicant is that he was earlier posted at Bangalore and then transferred to Jammu but both the units are not permitting him to join the duty. The only reason given by the applicant for filing its O.A. at Allahabad is that he is a resident of Moradabad in U.P.

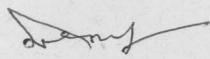
5. Since his cause of action never arose at U.P., therefore, jurisdiction in this case would be either at Bangalore or at Jammu but not at Allahabad because cause of action did not arise at all in U.P. but it arose either of Bangalore and Jammu.

6. In view of the above discussion the O.A. is dismissed as having been filed wrongly at Allahabad. ~~Applicant~~ Applicant is, however, given liberty to file his case for redressal of his grievance in appropriate forum as per advice.

7. There will be no order as to costs.



Member-J



Member-A

/Neelam/