

(3)

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL**

AHMEDABAD BENCH

O.A. No. 643,655 & 664 /1987.

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DATE OF DECISION 23.12.1987

1. Shri T.A.Pawadai
  2. Shri Ramchandrasingh
  3. Shri Munian Narayanan
- Petitioners.

B.B. Gogia Advocate for the Petitioner(s)

Versus

Union of India & Ors. Respondents

B.R. Kyada Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. D.S. MISRA, ADMINISTRATIVE MEMBER.

The Hon'ble Mr. P.M. JOSHI, JUDICIAL MEMBER.

1. Whether Reporters of local papers may be allowed to see the Judgement ? *YB*
2. To be referred to the Reporter or not ? *YB*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *NO*
4. Whether it needs to be circulated to other Benches of the Tribunal. *YB*

1. Shri T.A. Pawadai,  
Aged about 58 years,  
Occupation: Service,  
C/o. B.B. Gogia, (Advocate)  
10, Junction Plot,  
Rajkot.  
(O.A.No. 643/1987)
2. Shri Ramchandrasingh,  
Room No. 95,  
Hatkeshwar,  
Amraiwada (Ghanshyam Nagar),  
Ahmedabad.  
(O.A.No. 655/1987)
3. Shri Munian Narayanan,  
Hindu, Adult, Occu: Service,  
C/o. Shri B.B. Gogia,  
Advocate,  
10, Junction Plot,  
Rajkot.

(O.A.No. 664/1987)

..... Petitioners.

(Advocate : B.B. Gogia)

V/s.

1. Union of India  
Owing & Representing  
Western Railway  
Through: General Manager,  
Western Railway,  
Churchgate, Bombay.
2. Chief Engineer (Survey & Const.)  
Western Railway,  
Churchgate, Bombay.
3. Divisional Railway Manager,  
Western Railway,  
Divisional Office,  
Pratapnagar, Baroda.
4. Chief Engineer (Construction),  
Western Railway,  
Ahmedabad.

..... Respondents.

(Advocate : B.R. Kyada)

COMMON ORDER

O.A.No. 643 OF 1987

O.A.No. 655 OF 1987

O.A.No. 664 OF 1987.

Date: 23.12.1987.

Per: Hon'ble Mr. P.M. Joshi, Judicial Member.

The petitioners, viz; (i) T.A. Pawadai, (ii) Ramchandrasingh, and (iii) Munian Narayanan, in their applications Nos. 643, 655 & 664 respectively, filed under section 19 of the Administrative Tribunals Act, 1985, have challenged the validity of the orders contained in memorandum dated 26.10.87, whereby they are reverted to the post of Permanent Way Mistry from the post of Permanent Way Inspector, Grade-III. The said memorandum reads as under :-

The following orders are issued with immediate effect:

- 1) Shri Ramchandra Sing PWI Gr.III, scale Rs.1400-2300 (RP-86), who is working under XEN(C) JP, is reverted as P.Way Mistry scale Rs.1320-2040 (RP-86) and released to DRM-A II Division where he is having lion as P.Way Mistry.
- 2) Shri F.C. Sharma, PWI Gr.III, scale Rs. 1400-2300 (RP-86) who is working under XEN(C) JP, is reverted as P.Way Mistry, scale Rs. 1320-2040(RP-86) and released to BCT Divn. where is having lion as P.Way Mistry.
- 3) Shri Munian Narayanan, PWI Gr.III scale Rs.1400-2300 (RP-86), who is working under Dy.CE(S&C) I-RTM, is reverted and released to BRC Divn. where he is having lion as Ashman.
- 4) Shri T.A. Pawadia, PWI Gr.III Rs. 1400-2300 (RP-86) who is working under Dy.CE(S&C) KTT is reverted and released to BRC Divn. where he is having lion as a Mate.
- 5) Shri Ramlal R., PWI Gr.III scale Rs. 1400-2300 (RP-86) who is working under XEN(C) I-ADI, is reverted and released to RTM Division, where he is having lion as Koyman.

2. It is the common grievance of the petitioners that even though they are working in the Survey and Construction Department of the Railway Administration since inception and they are regularly promoted to the post of Permanent Way Inspector and working as such, for the last more than 7 to 8 years, they are reverted to the post of Permanent Way Mistry; whereas his juniors are retained on the same

post. The petitioners have therefore prayed inter-alia that the impugned order be quashed and set aside and the Respondents-Railway Administration be restrained from giving effect to the said reversion order and they may be directed to permit the petitioners to discharge their duties as PWI Grade III and pay accordingly.

3. O.A.No. 643/87 was admitted, however, notices were issued to the Respondents to show-cause why interim relief as prayed for should not be allowed. The rest of the two applications i.e., O.A.No.664, & 655 of 1987 came up for hearing on admission on 22.12.1987.


Mr. B.R. Kyada in O.A.No.655/87 & O.A.No. 643/87 and Mr. N.S. Shevde in O.A.No. 664/87, while opposing the applications have raised a preliminary issue regarding jurisdiction and contended that all the petitioners are posted outside the territory of the Gujarat State and hence this Tribunal has no jurisdiction to entertain the application filed by the petitioners. We have heard them and Mr. B.B.Gogia, the learned counsel for the petitioners at a considerable length. According to Mr. Gogia, the learned counsel for the petitioners, since all the petitioners are transferred and posted to the place at Baroda and other places within the territory of Gujarat, they are entitled to file their applications before this Tribunal under Rule 6 of the Central Administrative Tribunal (Procedure) Rules, 1985.


4. In order to comprehend the rival contentions raised by the counsel for the parties it will be in the fitness to relate to rule 6 which is reproduced in extenso as under :-

"Place of filing applications - The application shall be filed by the applicant either with the Registrar of the additional Bench within whose jurisdiction the applicant is posted for the time being or with the Registrar or the principal Bench."

5. The fact that the petitioner Shri T.A.Pawadai was posted at Kota and discharged his duties as Permanent Way Inspector till the filing of this application is not in dispute. Similarly, <sup>the fact that</sup> the petitioners viz; Ramchandrasingh and Munian Narayanan were posted at Jaipur and Ratlam respectively and discharged their duties as PWI till the filing of this application, is not controverted. It was however suggested by Mr. Gogia that one of the petitioner has been already relieved of his duties and as such, he will be justified in filing the application before this Tribunal. However, it is undisputed that none of the petitioner has resumed his duty at the place where he ~~is~~ transferred on the post of Permanent Way Mistry. Thus, on the date of the impugned order the petitioners were posted either at Ratlam, ~~or Kota, or Jaipur~~. It is significant to note that the petitioner Shri Ramchandrasingh was working under XEN Jaipur and he has been reverted to the post of Permanent Way Mistry and posted at Ajmer. Obviously, both the places are outside the territory of the State of Gujarat. A crucial point for our consideration is the place where the petitioner is posted on the date of the cause of action or a grievance which has accrued to him by virtue of the impugned action or order passed by the authorities. Admittedly, in the present case all the petitioners are posted at the place like Kota, Jaipur & Ratlam at the relevant time which are the places obviously outside the territory of the State of Gujarat. Hence the petitioners are not entitled to file their applications with the Registry of the Additional Bench of this Tribunal.

6. For the reasons stated above, we are of the opinion that the present applications are not entertainable for want of jurisdiction. Accordingly, all the applications are rejected at this preliminary stage. However petitioners are at liberty to move the Tribunal of the competent jurisdiction for the redressal of their grievances.

  
( P.M. JOSHI )  
JUDICIAL MEMBER

  
( D.S. MISRA )  
ADMINISTRATIVE MEMBER

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