

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK.**

ORIGINAL APPLICATION NO. 546 OF 1996.

Cuttack this the 7th day of October, 1996.

P. Suribabu and others ... Applicants

Versus.

Union of India and others. . . Respondents

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ?
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not?

Transcribed
(N. SAHU) 7. x. 96
MEMBER (ADMINISTRATIVE) .

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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO.546 OF 1996.

Cuttack this the 7th day of October, 1996.

C O R A M :

THE HONOURABLE MR.N. SAHU, MEMBER (ADMINISTRATIVE).

....

1. P. Suri Babu, aged about 26 years,
Son of Yerrayya, working as Khalasi.
2. S. Basu, aged about 28 years,
Son of S.K.Basu, working as Khalasi.
3. Gannu Bhandari aged about 30 years,
Son of E.Bhandari, working as Khalasi.
4. S. Nagabhushana Rao, aged about 30 years,
Son of late S.P.Latchanna, working as Khalasi.
5. Ch. Padmakara Rao, aged about 37 years,
Son of Ananda Gajapati, working as Khalasi.
6. P. Lakshminarayana Rao, aged about 25 years,
Son of P. Ramana working as Peon.
7. Smt. S. Kasturi, aged about 23 years,
Son of Sundara Rao, working as F.Khalasi.
8. K. Narayana Rao, aged about 40 years,
Son of K. Latchanna, working as T. Helper.
9. Kum. P. Jayalaxmi, aged about 26 years,
D/o P.Chenera Rao, working as F. Khalasi.
10. Y. Rama Rao, aged about 26 years,
Son of Y. AppaRao, working as B. Peon.
11. Smt. A. Padmaja aged about 30 years,
D/o P.N.Rao, working as F. Khalasi.
12. P.V.S.S. Avadhani, aged about 27 years,
Son of P. Sriramamurty, working as Peon.
13. Jogindra Kr. Hans, aged about 30 years,
Son of Sundarsan Hans, working as M.V.Mechanical.

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14. B.S.Murali, aged about 31 years,
Son of B.S.Shastrri, working as Khalasi.
15. A.K.Das, aged about 31 years,
Son of S.P.Das, working as Chainman.
16. M.K.Rao, aged about 29 years,
Son of Late Satyanarayana, working as Chainman.
17. A. Eswara Rao, aged about 28 years,
Son of Adinarayana, working as Khalasi.
18. G. Ramu Naidu, aged about 27 years,
Son of Appalaswamy, working as Khalasi.
19. K.V.Ramana Murty, aged about 28 years,
Son of K. Nageswara Rao, working as Jr.Typist.
20. G. Kondala Rao, aged about 30 years,
Son of Nooka Naidu, working as Chainman .
21. Md. Samahiddin, aged about 30 years,
Son of Zainuddin, working as Peon.
22. M. Naresh Kr. Raju, aged about 35 years,
Son of M.K.Prabhakar Rao, working as Chainman.
23. Bh. Narayana Rao, aged about 30 years,
Son of Surya Narayana, working as B. Peon.
24. Samir Dey, aged about 29 years,
Son of Late Badal Dey, working as Khalasi.
26. A. Srinivas, aged about 29 years,
Son of A.V.Acharyalu, working as Khalasi.
27. Laxman Kr. Baratam, aged about 27 years,
Son of Vittaleswar Rao, working as Khalasi.
28. Subudhi Savaraya, aged about 28 years,
Son of S. Kumaraswamy, working as Khalasi.
29. B. Murali Mohan, aged about 28 years,
Son of Pola Rao, working as Khalasi.
30. G. Raja Rao, aged about 37 years,
Son of Rama Murty, working as Khalasi.
31. T. Vaikunta Rao, aged about 32 years,
Son of Rami Naidu, working as Chainman.
32. V.P.S.Kumar, aged about 30 years,
Son of V.R.Padmanabham, working as B.Peon.

33. N.V. Narasimham, aged about 26 years,
Son of K. Krishna Rao, working as Khalasi.

34. G. Nageswar Rao, aged about 28 years,
Son of Appalaswamy, working as Khalasi.

35. P. Bhaskar Rao, aged about 26 years,
Son of P.L. Rao, working as Chainman.

36. Ch. Satyanarayana, aged about 35 years,
Son of not known, working as B.Peon.

37. T.V.Ch. Mumu Bahu, aged about 36 years,
Son of not known, working as Khalasi.

38. M. Ramakrishna aged about 34 years,
Son of Somulu, working as Khalasi.

39. Y. Ramana Murty, aged about 28 years,
Son of Y.N.Rao, working as B. Peon.

All the applicants are working in the
Electric Loco Shed at Waltair.

.... APPLICANTS.

By the Advocate : : Mr. D.P.Dhalsamant
-Versus-

1. Union of India, represented
through General Manager,
South Eastern Railway,
Garden Reach, Calcutta- 700 043.

2. Chief Administrative Officer,
South Eastern Railway,
Chandrakesharpur, Bhubaneswar.

3. Divisional Railway Manager,
South Eastern Railway, Waltair. RESPONDENTS.

By the Advocate : : Mr. D.N.Mishra
Addl. Standing Counsel.

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O R D E R.

N. SAHU, MEMBER (ADMINISTRATIVE) : The present Original Application is
filed against the recruitment notice No.WPP/D/DMR/96 dated
15.4.1996 issued by the Divisional Railway Manager, South

Eastern Railway, Waltair, respondent No.3, which is annexed as Annexure-A/4 to the original application. This notice is stated to be illegally issued without absorbing the applicants who were working as casual Khalasis for the last seven years. The applicants were initially recruited as Casual labourers in Survey and Construction Organisation of South Eastern Railway and posted at Visakhapatnam and its neighbouring places. They joined the organisation in between 1989 and 1990. They were recruited as labourers in the construction of the new line in Koraput - Rayagada section. This Construction Organisation is a floating cadre and the staff working therein are offered option of being regularly employed in the permanent Divisions i.e. Open Line Divisions within the said geographical jurisdiction. These applicants after working for four years, were released by the communications dated 26.3.1994 and 1.7.1994 to join the Electric Loco Shed as Khalasis in the Open Line Waltair Division under the administrative control of respondent No.3. The release order was issued by the Chief Project Manager, Visakhapatnam as per Annexure-A/1. As there were no vacancies, according to the averments made, they were directed to join in the Electric Loco Shed. As they had not been absorbed in the regular posts in the Open Line, their salaries were paid from the Construction Organisation. Annexure-A/2 is a request letter by the Chief Project Manager,

Visakhapatnam dated 1.7.1994 for their regular absorption because they are to be redeployed as surplus TPCL screened labour for utilisation in Electric Loco Shed, Waltair. The Chief Project Manager, Visakhapatnam, in sum stated that the project casual labourers had been undergoing on-job training in the Electric Loco Shed for the last two years. These labourers are qualified with I.T.I. or Matriculation. A request was made that all such qualified project casual labourers to be directed for absorption by the Divisional Railway Manager, Waltair, respondent No.3 in various other departments including Operating and such absorption should be in order of seniority. Annexure-A/3 is the response of the Divisional Railway Manager who stipulates that the applicants would be absorbed in regular posts when vacancies would arise. The applicants are aggrieved because they would be considered along with the open market candidates for the available vacancies.

2. Opposing this, at the outset learned counsel Shri D.N.Mishra for the respondents states that this Bench has no jurisdiction to entertain this Original Application as the authority whose notification/notice is under challenge is situate at Visakhapatnam. The applicants are also working at Visakhapatnam and their salaries are paid by the Senior Project Manager, Visakhapatnam.

By simply making the Chief Administrative Officer, South Eastern Railway, Chandrasekharpur, Bhubaneswar as respondent No.2, they cannot have the jurisdiction shifted to Cuttack.

Shri Dhalsamanta submits that he has made the Chief Administrative Officer, Bhubaneswar, respondent No.2 as a party as he is the administrative head over the Chief Project Manager at Visakhapatnam and therefore, he states that the jurisdiction would be entertained at Cuttack.

3. I have considered the rival submissions of the learned counsel for the parties. It is true that a High Court within whose territorial jurisdiction the person or authority against whom a relief is sought resides or is situate can entertain an application. I find that the insertion of the Chief Administrative Officer as a respondent is neither necessary nor relevant. That way, the applicants can always implead the Secretary Communications and the Railway Board. This would not necessarily confer jurisdiction on the Principal Bench at Delhi. Since the seats of all the Central Ministers are at Delhi, all applications against any Department, according to the logic of Shri Dhalsamant should be filed only before the Principal Bench at Delhi and there is no need to do so before any other coordinate Benches. What I have to see is who is the authority from whom relief is directly sought or the authority

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whose order is under challenge. The only two authorities herein are the Chief Project Manager, Visakhapatnam and Divisional Railway Manager, Waltair. More specifically the authority against whom relief is sought is respondent No.3 Divisional Railway Manager, South Eastern Railway, Waltair.

The next clause for conferment of jurisdiction is cause of action in respect of which relief sought is wholly or in part. Such a cause of action either wholly or in part arises only in Visakhapatnam and not anywhere else as is evident from the averments made in the application. The expression 'cause of action' means, those bundle of facts which the petitioner must prove, if not traversed, to entitle him to a judgment in his favour by a Court. I have taken the entire pleadings and I find that the cause of action is confined only to Visakhapatnam and does not travel beyond the jurisdiction of Visakhapatnam. I agree with Shri D.N.Mishra, learned counsel for the respondents that the cause of action arises in Visakhapatnam and the application, if so advised, may be filed before the Hyderabad Bench, Hyderabad and not before the Cuttack Bench, Cuttack. The application shall be returned to the applicants for want of jurisdiction.

4. The Original Application is dismissed in limine.

Parasimhawala
(N. SAHU) 7. x . 96
MEMBER (ADMINISTRATIVE).

Jena/7.10.96.