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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH : CUTTACK

ORIGINAL APPLICATION NO.565 OF 1996  
Cuttack this the 18th day of May/2001  
21st

Sushil Kumar Bhuyan ... Applicant(s)

-VERSUS-

Union of India & Others ... Respondent(s)

(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 ?

*Somnath Son*  
(SOMNATH SON)  
VICE-CHAIRMAN  
*At. S. a. v. 9*

21.5.01.  
(G. NARASIMHAM)  
MEMBER (JUDICIAL)

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH : CUTTACK

ORIGINAL APPLICATION NO.565 OF 1996  
Cuttack this the 18<sup>th</sup> day of May, 2001  
21<sup>st</sup>

**CORAM:**

THE HON'BLE SHRI SOMNATH SOM, VICE-CHAIRMAN  
AND  
THE HON'BLE SHRI G.NARASIMHAM, MEMBER (JUDICIAL)

Sushil Kumar Bhuyan, aged about 32 years.  
S/o. Sarat Chandra Bhuyan of Simulia  
P.O. Suga, Via-Jaleswar, Dist-Baleswar, Orissa

... Applicant  
By the Advocates - In Person

-VER SIS-

1. Union of India represented through it's Secretary  
Ministry of Welfare, Shastri Bhawan, New Delhi-110001
2. Chief Personal Officer (Administration) South  
Eastern Railway-11, Gardenreach Road, Calcutta-700043
3. Chairman, Railway Recruitment Board, Bhubaneswar,  
Orissa Forest Development Corporation Building  
(2nd Floor), A-84, Kharvela Nagar, Bhubaneswar-751001

### • • • Respondents

By the Advocates M/s.B. Pal  
P.C.Panda  
S.K.Ojha  
P.Das

ORDER

MR .G .NARASIMHAM, MEMBER (JUDICIAL) : Applicant, claiming to be a Cured Leprosy Patient filed this Original Application with the following prayers:-

" After hearing the parties and perusal of the records the Respondents be directed for enforcement of official memorandum dated 2.3.65, 25.12.72, 8.1.78, 25.6.80 and 5.10.81 and direction of Hon'ble Supreme Court by identifying a suitable job for the applicant in terms of the principle laid down in para 394 of the judgment dated 16.11.92 in the Mandal Commission case in W.P.(C) Nos.1081/90 and 111/92 of the Hon'ble Supreme Court as well as in terms of order dated 17.8.87 and 24.7.89 in O.A. No.1749/87 and order dated 12.8.91 in W.P.(C) Nos.536, 734 of 1990, 237 of 1991 as a rehabilitation assistance to cured leprosy persons ..." "

12  
2. Three Respondents have been impleaded. They are : Union of India represented through it's Secretary, Ministry of Welfare, New Delhi (ii) Chief Personal Officer (Administration) S.E.Railway, Calcutta and (iii) Chairman, Railway Recruitment Board, Bhubaneswar. Respondent Nos. 2 and 3 filed two separate counters opposing the prayer of the applicant.

3. On the date of hearing the applicant remained absent and ~~none~~ represented him. Shri B.Pal, learned senior counsel for the Railway Department, in course of his submission, brought to our notice that many other persons like that of the applicant filed Original Applications of this nature containing identical prayers before this Bench and most of them have since been disposed of on merits, and such of the Original Applications so far heard, have been dismissed on merits. On being referred by Shri Pal, two of such Original Applications, viz. O.A.Nos. 560 and 499 of 1996 were ordered to be put up for reference/perusal. It is seen that both the Original Applications contain identical prayers with identical averments, as in the case before us. On a comparison of the three case records, it will be clear that one Original Application was drafted and the same had been cyclostyled to make out successive Original Applications and one of such cyclostyled application bearing the name and address of the applicant at the relevant space has been adopted as an Original Application in the instant case.

4. Claiming to be a cured leprosy patient, the applicant wants his case to be considered for appointment under

Rehabilitation Assistance Scheme in terms of Government of India's circular dated 2.3.1965 (Annexure-1) and certain other orders, referred to in the prayer portion of the Original Application. In O.A.Nos. 560 and 499 of 1996, disposed of on 16.4.2001, this Bench held that the purported circular dated 2.3.1965 at Annexure-1 was really not in existence and as such claim for appointment by way of Rehabilitation Assistance to cured leprosy patients in terms of that circular which was not in existence was without any merit.

5. This Original Application can also be disposed of on merits on the basis of our judgment, in those two O.A.s, containing identical prayers. However, without entering into merit, we are of the view that this Original Application can be disposed of on the ground of lack of territorial jurisdiction.

6. In the counter filed by Respondent No.3, viz., the Railway Recruitment Board, Bhubaneswar, it has been strenuously averred that the Original Application is not maintainable ~~as~~ against this Respondent as <sup>he is</sup> neither a proper nor a necessary party. Respondent No.3 is in charge of conducting process of selection. There is no averment that the applicant is aggrieved <sup>by</sup> with any order of Respondent No.3. We have also carefully perused the Original Application. There is absolutely no averment whatsoever that the applicant is in any way aggrieved with any order expressed/ implied, passed by this Respondent No.3. Hence this respondent being not a necessary party, mere inclusion as respondent will not confer jurisdiction on this Bench.

14  
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 7. Rule-6 of the C.A.T. (Procedure) Rules, 1987, deals with Place of Filing of Application. It runs as follows :

"(1) An application shall ordinarily be filed by an applicant with the Registrar of the Bench within whose jurisdiction -

- i) the applicant is posted for the time being, or
- ii) the cause of action, wholly or in part, has arisen :

Provided that with the leave of the Chairman the application may be filed with the Registrar of the Principal Bench and subject to the orders under Section 25, such application shall be heard and disposed of by the Bench which has jurisdiction over the matter.

(2) Notwithstanding anything contained in sub-rule (1), a person who has ceased to be in service by reason of retirement, dismissal or termination of service may at his option file an application with the Registrar of the Bench within whose jurisdiction such person is ordinarily residing at the time of filing of the application."

The applicant, though a resident of the State of Orissa, ~~he~~ is neither an employee nor is dismissed from service ~~and~~ or his services have been terminated. Hence, the only point to be determined is whether the cause of action for filing this Original Application has arisen wholly or in part within the territory of the State of Orissa, over which this Cuttack Bench can exercise its territorial jurisdiction pursuant to G.S.R. 631 (E) dated 15th October, 1991, notified in exercise of the powers conferred under (Sub-section 1) of Section 18 of the A.T. Act, 1985 by the Central Government. This Bench will not have the jurisdiction to decide this case unless the applicant is posted for the time being within the State of Orissa and/or is residing within the State of Orissa by reasons of retirement/dismissal/termination of his services.

15  
Since there is no whisper anywhere in the Original Application that the applicant has been aggrieved by the order of any authority having his headquarters within the territorial limits of the State of Orissa, the question of cause of action, if any, either wholly or in part having arisen within the territorial jurisdiction of this Bench would not at all arise.

We are aware of the expression "ordinarily" used in Rule-6 of the C.A.T. (Procedure) Rules, 1987, which means that usually an application has to be filed before the Registrar of the Bench within whose jurisdiction the applicant is posted for the time being or the cause of action, wholly or in part, has arisen. It would not necessarily mean that in extraordinary or in exceptional cases an applicant can file an Original Application before any Bench of the Tribunal even though within whose jurisdiction he is not posted or the cause of action, wholly or in part, has not arisen. The only exception has been spelt out in the Proviso to Rule-6(1) is that with the leave of the Chairman an application can be filed with the Registrar of the Principal Bench. But even then such an application filed before the Principal Bench shall have to be heard and disposed of by the Bench which has jurisdiction over the matter unless the Chairman, under Section 25 of the A.T. Act, 1985, transfers that case to any other Bench. This apart, the Original Application is conspicuously silent as to why this has been preferred before this Bench within whose territorial jurisdiction, the cause of action, if any, did not at all arise.

16  
We have, therefore, no hesitation to hold that this Bench lacks jurisdiction to hear and decide this Original Application on merits.

In the result, the Original Application is dismissed, but without any order as to costs.

*Somnath Som*  
(SOMNATH SOM)  
VICE-CHAIRMAN. 2001.

21.3.2001  
(G.NARASIMHAM)  
MEMBER (JUDICIAL)

B.K.SAHOO//