

14.1.99

This application filed on 5.1.1999 was listed for hearing on admission on 8.1.1999. As we entertained doubt in regard to the territorial jurisdiction of this Bench, we heard Smt. U.R. Padhi, learned counsel for the applicant on this issue. Also perused the record and relevant provisions of the Administrative Tribunals Act, (in Short Act) 1985 and the corresponding Procedure Rules (in Short Rules) 1987.

Section 18 empowers the appropriate Government to make provisions ~~to the~~ ^{through} notification as to the distribution of business of the Tribunal amongst Benches and specify the matters that are to be dealt with by each Bench. That Section clarified the expression 'matter' to include applications under Section 19 of the Act. Pursuant to this Section 18, Government under G.S.R. 631(E) dated 15.10.1991, modified the territorial jurisdiction of different Benches of the Central Administrative Tribunal. Under S1. No.8, the territorial jurisdiction of this Cuttack Bench ~~was~~ ^{was} confined to the territorial limits to the State of Orissa only.

Rule-6 of the Rules deals with place of filing of applications. It runs as follows :

Place of filing application - (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 order under Sec. 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) persons who have 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.

A combined reading of Section 18 of the Act and Rule-6 of the Rules would make it clear that this Bench will have jurisdiction if the applicant is posted for the time being in side the State of Orissa or the cause of action, wholly or in part has arisen inside the State of Orissa. If an applicant is retired/dismissed/discharged from service and he happens to be a resident of Orissa, he may file application before this Bench, even if the cause of action does not arise within the territorial limits of this State.

In the application before us, the applicant Shri Anshuman Dey is now serving as an Assistant Engineer of All India Radio at New Delhi. He has filed this application for correction of Annexure-8, the seniority list dated 4.4.1996 prepared at New Delhi and to restrain the respondents from implementing the order under Annexure-9, i.e. order dated 9.7.1997 also passed at New Delhi. Even the three respondents impleaded and who, according to applicant are answerable for these annexures are also functioning at New Delhi.

This being the legal position, we feel that this application cannot be entertained by us. The learned counsel for the applicant, however, submitted that the applicant is a permanent resident of the District of Balasore, within the territorial limit of this State. But the fact remains he is still in service and posted at New Delhi which is not within the territorial limits of this State. Hence we are not prepared to accept the contention of the learned counsel for the applicant that permanent place of residence of the applicant will also determine the jurisdiction of the Bench. Permanent place of residence will be the criterion under Rule-6 of the Rules only in respect of employees who are retired/dismissed/discharged from service.

In the result we are of the view that this Bench has no jurisdiction to entertain this

application. The application is accordingly dismissed though not on merit, but in the absence of territorial jurisdiction.

VICE-CHAIRMAN

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MEMBER (JUDICIAL)

A copy of
the order
dt-14-1-99 may
be given to
the applicant
concerned.


Member
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