

(A.)

FORM NO.4

(See Rule 12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH

ORDER SHEET

Application No. OA 400 of 199 9

Applicant (s) Bana Behari Sahoo Respondent (s) U.O.I. Esb

Advocate for Applicant (s) M/S. B.N. Tripathy Advocate for Respondent (s) SK Raha  
NR Tripathy

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

320 forms 501 p/w

For Rega pl.

Bh  
11.8.99

Sub. Sd(g)  
11.8.99

For Admn pl.

Bh  
11.8.99

Bench

For Admn. pl.

AD  
17.8.99

Bench

S. Sam

REGISTER

B. Poudel  
By Registrar

Or. No. 1 dtd. 12.8.99

Learned counsel for the petitioner nor his Associates are present when called. In view of this adjourned to 19.8.1999. It is however, made clear that on the next date the matter will be taken up even in the absence of learned counsel for the petitioner.

VICE-CHAIRMAN

MEMBER (JUDICIAL)

ORDER NO.2, DATED 19-08-1999.

SEEN the petition. Heard Mr. B.N. Tripathy, learned counsel for applicant. Learned counsel for Applicant has prayed for admission of this Original Application and thereafter he has asked for adjournment to argue the matter further. We have gone through the petition. We find that the averments made by the application in the petition, the petition is itself not maintainable before this Bench. In view of this, the prayer for adjournment

## NOTES OF THE REGISTRY

## ORDERS OF THE TRIBUNAL

is rejected.

Case of applicant is that he is working in Ordnance Factory, Jabalpur in M.P. On getting information of his mother's illness, he has come to his native village at Nayagarh and from his Village, he sent a representation that because of his family difficulties, he should be posted to some place near about his home town. Respondents have not considered his request but in order dated 12/13th of April, 1999, at Annexure-8 it has been intimated to the applicant that he has left the duty station without prior permission and still remaining absent without leave and therefore, he was directed to resume his duty immediately so that his period of long absence could be regularised.

Under Rule-6 of CAT Procedure rules, 1987 dealing with place of filing of application, an application has to be filed before a Bench, which has the jurisdiction over the place where the applicant is posted for the time being; or where the cause of action, wholly or in part, has arisen. Exception to the above rule is that if applicant has been retired, dismissed or terminated from service then he may file an application with the registry of the Bench within whose jurisdiction he is ordinarily residing, at the time of filing of application. It is submitted by learned counsel for applicant that even though his case is not covered

Order dt. 19.8.99

Copy of order  
may be given to  
both the counsels.

25.8.99

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Order dt. 19.8.99

Copy of order  
with copy of  
application may  
be sent to all  
respondents by regd.  
post/A-D.

30.8.99

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under Sub-clause (2) of clause-6, his case is covered under sub-clause (ii) of clause-6 because the letter at Annexure-8 requiring him to join his duty and other communications issued by the Respondents, have been sent to him at his home address at Nayagarh. On that basis, it is submitted by the learned counsel for applicant that in this case, the cause of action has partly arisen in Orissa and therefore, this Bench has got jurisdiction to consider this Original Application.

We have considered the above submissions of learned counsel for applicant carefully and we are unable to accept the above contention. In this case the cause of action has arisen because of alleged absence of applicant from his duty. This cause of action has arisen in Madhyapradesh. The communication has been made to his address at Orissa. This can not be a ground for holding that the cause of action has partly arisen in Orissa. In view of this, we hold that this Bench has no jurisdiction to consider this application. The application, is therefore, rejected at the stage of admission for being <sup>without</sup> jurisdiction.

Vice-Chairman

Member (Judl. )

20.8.99