

O.A. NO.653/99Order dated 7.3.2000

This Original Application was posted on 25.1.2000 for final disposal at the admission stage. On that day either of the ^{the} counsel, for the applicant was not present and therefore, the matter was adjourned to 2.3.2000 peremptorily for final disposal at the admission stage. Even on 2.3.2000 neither of the Advocates appeared. Hence the case was adjourned to this day for ^{hearing} final disposal at the admission stage peremptorily. Even on to-day none of the Advocates filing power for the applicant did appear nor any request for adjournment was made on their behalf. Accordingly, we had gone through the records to consider whether the application deserves to be admitted.

2. The applicant is a Driver of Loco under the S.E.Railway and is serving at Kharagpur within the territorial limits of the State of West Bengal. By Memo dated 25.11.1998, the Senior Divisional Mechanical Engineer, S.E.Railway, Kharagpur(Res.2) served charges on him. He was asked to appear for departmental inquiry pursuant to these charges in the Office of Sr.D.M.F. at Kharagpur. In this application filed on 25.1.1999 before this Bench the applicant prays that direction be issued to respondents to hold and conduct the departmental/disciplinary proceedings at Khurda Division of S.E.Railway, at Khurda by shifting it from Kharagpur Division of S.E.Railway.

After going through these facts mentioned in the Original Application, we are of the view that this Cuttack Bench has no jurisdiction to entertain this application. In this connection, we may quote Rule-6 of the C.A.T.(Procedure)Rules, 1987 as hereunder:

6.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

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

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(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) 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".

The applicant is admittedly posted at Kharagpur which is outside the territorial jurisdiction of this Bench. The cause of action also arose at Kharagpur when the disciplinary proceeding was initiated and inquiry was ordered to be conducted there. Hence an application of this nature should have been filed before the Central Administrative Tribunal, Calcutta Bench in normal course. If the applicant did not feel like preferring an application before the C.A.T., Calcutta Bench, then he should have preferred an application, with the leave of the Chairman before the Registrar of the Principal Bench in order to secure permission/leave of the Chairman under Section 25 of the A.T.Act. This also does not appear to have been done in the instant case.

This Bench has territorial jurisdiction over the areas inside the State of Orissa only vide G.S.R. Notification dated 15.10.1991 issued in exercise of powers conferred under Sub-Section 1 of Sect.18 of the A.T.Act, 1985. Since this Bench has no jurisdiction to consider the prayer made in the application, the same is dismissed, not being admitted.

Ponnath Vm
VICE-CHAIRMAN
7/3/2000

7.3.2000
MEMBER (JUDICIAL)