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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 88 OF 1999
Cuttack this the 8th day of July, 1999

(PRONOUNCED IN THE OPEN COURT)

N.Narasimha Murthy

Applicant(s)

-Versus-

Union of India & others

Respondent(s)

1. Whether it be referred to reporters or not ? Yes .
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? No .

(G.NARASIMHAM)
MEMBER(JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
8.7.99

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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK

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CORAM:

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

...
N.Narasimha Murthy,
S/o.Late Jagannath Rao,
At present working as Sr.Clerk,
in the Office of Deputy Signal,
Telecom Engineer(Dy.CSTE) Construction
S.E.Railway, Vksakhapatnam(A.P)

... Applicant

By the Advocates : Mr.P.K.Chand

-Versus-

1. Union of India represented through
General Manager, S.E.Railway, Garden Reach,
Calcutta (W.B.)
2. The Chief Administrative Officer(Con)
South Eastern Railway, Chandra Sekharpur,
Bhubaneswar, Dist: Khurda
3. The Chief Engineer(Con)
South Eastern Railway,
Visakhapatnam (A.P.)
4. Deputy Signal Telecom Enginner(Dy.CSTE)
(Construction), South Eastern Railway,
Visakhapatnam (A.P)

... Respondents

By the Advocates : Mr.D.N.Mishra
Standing Counsel

...

J. Som.

O R D E R

SOMNATH SOM, VICE-CHAIRMAN

In this application under Section 19 of Administrative Tribunals Act, 1985, the petitioner has prayed for quashing the order dated 22.2.1999 at Annexure-4 in which he has been repatriated from the office of Deputy Chief Signal Telecom Engineer, Visakhapatnam to the office of Senior Divisional Personnel Officer, S.E.Railway, Waltair for further posting. The second prayer is for a direction to respondent nos. 1 to 3 not to revert the applicant from the post of Senior Clerk to Junior Clerk.

2. On the date of admission of the O.A. we had some doubt about jurisdiction of this Bench to consider the matter. The applicant is working at Visakhapatnam and has been repatriated to his parent organisation to the office of Senior Divisional Personnel Officer at Waltair in Andhra Pradesh. The officers who have issued these orders are also at Visakhapatnam. All the respondents except Union of India represented by General Manager, S.E.Railway and Chief Administrative Officer, Construction, S.E.Railway, Chandrasekharpur, are also stationed at Visakhapatnam where the cause of action has arisen. Thereafter the petitioner filed Misc.Application No.173/99 praying for incorporation of an averment in the O.A. that the order at Annexure-4 has been passed at the instance of the Chief Administrative Officer (Construction), S.E.Railway, Chandrasekharpur, Bhubaneswar. The respondents have also filed counter to MA No. 173/99 with copy to the learned counsel for the petitioner. At the time of hearing of the OA, it was ordered that order on MA No.173/99 would be passed along with the O.A.

3. In the counter to MA No.173/99 the

respondents have averred that the order dated 22.2.1999 was not issued at the instance of respondent no.2. It has also been stated that the applicant has tried to mislead the Tribunal order to gain the jurisdiction and therefore, they have opposed the prayer in MA No.173/99.

4. In this case the learned counsel for the petitioner was absent nor was any request made on his behalf seeking adjournment. In view of this, we have heard Shri D.N.Mishra, the learned Standing Counsel for the respondents and have perused the records. The applicant has been served with copy of the counter to MA No.173/99 but he has not submitted any document to show that the impugned order at Annexure-4 has been passed at the instance of respondent no.2. In view of this, the prayer of the applicant to incorporate an averment through amendment in the OA that the order at Annexure-2 has been passed at the instance of respondent no.2 is held to be without any merit and the prayer for amendment is accordingly rejected.

5. With the rejection of the above prayer in MA No.173/99, we find that the cause of action has arisen outside the jurisdiction of this Bench. The respondents who have passed the order are also stationed outside Orissa. In view of this, we hold that this Bench does not have jurisdiction to consider the matter.

6. In consideration of all the above, it is held that the Application is not maintainable before this Bench and the same is rejected. No costs.

(G. NARASIMHAM)

MEMBER (JUDICIAL)

(SOMNATH SOM)

VICE-CHAIRMAN