

O.A.42/2000

8.2.2000

Applicant, who is now serving as A.F.N., S.E.Railway, Chindwara, Nagpur, files this application praying for quashing the departmental charge sheet served on him under Annexure-2 and also for direction to respondents to complete the departmental enquiry, if any, to be proceeded, within a stipulated period. There is interim prayer for revocation of order of suspension issued to him under Annexure-1. He had impleaded three respondents, viz., Respondent No.1 is the Union of India represented through General Manager, S.E.Railway, Calcutta, Respondent No.2 is the Chief Engineer, S.E.Railway, Calcutta and Res.3 is Ankush Gupta, Deputy Chief Engineer, S.E.Railway, Nagpur.

As we entertained doubt as to maintainability of this application before this Bench, we heard at length Shri A.Kanungo, learned counsel for the applicant and Shri S.K.Panda, learned counsel on behalf of learned Standing Counsel Shri D.N.Mishra, appearing for the Department.

Rule-6 of the C.A.T.(Procedure) Rules, 1987 in regard to Place of Filing Application runs as follow:

"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

(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".

Admittedly the place of posting of the applicant is outside the territorial jurisdiction of this Bench. Sub Rule (ii) of Rule-6 will also not come to rescue of the applicant since he is still in service at Nagpur. Learned counsel for the applicant Shri A.Kanungo, however, led great stress on the ingredients that cause of action wholly or in part has arisen within the jurisdiction of this Bench. According to him, cause of action for initiating the departmental proceeding arose, if not wholly, at least in part, within the territorial jurisdiction of this Bench. His contention is that misconduct in the charge sheet under Annexure-2 relates to his duty period from July, 1996 to May, 1997, while he was serving as A.F.N., Titlagarh, within the territorial jurisdiction of this Bench. There is no dispute that Titlagarh, is within the territorial jurisdiction of this Bench. But the fact remains that Res.2 stationed at Calcutta outside the territorial jurisdiction of this Bench framed the charge under Annexure-2 on 11.10.1999, i.e. about two and half months after the applicant was placed under suspension while he was serving at Nagpur. Even the suspension order, which the applicant wants to be revoked through interim prayer was passed by Res.2. Hence the cause of action for filing this Original Application is the initiation of disciplinary proceeding by Res.2, an authority stationed at Calcutta and is outside the territorial jurisdiction of this Bench. In other words, the cause of action partly arose at Calcutta.

We are not inclined to accept the contention of Shri Kanungo that since the disciplinary proceeding is connected with certain alleged misconduct during his service at Titlagarh, at least a part of cause of action arose within the jurisdiction of this Bench. Alleged misconduct at Titlagarh is the reason for initiating the disciplinary proceeding and this does not mean, cause of action accrued to the applicant for filing this application before this Bench. No authority has been cited by Shri Kanungo in support of his contention in this regard.

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In the result, we hold that in view of statutory Rule-6 of C.A.T.(Procedure) Rules, 1987, this Original Application is not maintainable before this Bench, because of Govt. notification dated 15.10.1991 issued in exercise of powers under Section 18 of the A.T.Act, the territorial jurisdiction of Cuttack Bench extends only to territories of the State of Orissa.

The application is dismissed for not being admitted.

VICE-CHAIRMAN

8.2.2000  
MEMBER (JUDICIAL)