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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.


Original Application No.954 of 2005
Cuttack, this the 17th day of April, 2009

B.Rajendra Prasad Applicant
Versus
Union of India & Ors. Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the reporters or not?
2. Whether it be circulated to all the Benches of the CAT or not?


(JUSTICE K.THANKAPPAN)
MEMBER (JUDICIAL)


(C.R.MOHAPATRA)
MEMBER (ADMN.)

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O.A.No.954 of 2005
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C O R A M:

THE HON'BLE MR.JUSTICE K.THANKAPPAN, MEMBER (J)
A N D
THE HON'BLE MR. C.R.MOHAPATRA, MEMBER (A)

B.Rajendra Prasad, aged about 39 years, Son of Late B.Appa Rao, D.No.44-24-17/B,Kannarao Street, Railway New Colony, Vishakhapatnam, Andhra Pradesh.

.....Applicant

By Advocate :M/s.B.Mohanty,
T.K.Patnaik,
P.K.Nayak,
S.Pattanayak,
A.Patnaik
- Versus -

1. Union of India represented through its General Manager, East Coast Railway, Chandrasekharapur, Bhubaneswar, Dist. Khurda.
2. Additional Divisional Railway Manager, East Coast Railway, Office of DRM, Waltair Division, Vishakhapatnam, Andhra Pradesh.
3. Senior Divisional Commercial Manager, East Coast Railway, Office of DRM Waltair Division, Vishakhapatnam, Andhra Pradesh.
4. Divisional Commercial Manager, East Coast Railway, Office of DRM, Waltair Division, Vishakhapatnam, Andhra Pradesh.

....Respondents

By Advocate - Mr. R.C.Rath.

O R D E R

Per- MR.C.R.MOHAPATRA, MEMBER (A):-

While the Applicant was continuing as Sr.TTE, S.E.Railway at Visakhapatnam, a set of charge was issued to him alleging demand and acceptance of bribe which, according to the Respondents, having been proved in the enquiry, the applicant was imposed with the punishment of compulsory retirement vide order under Annexure-4 dated 4.6.2004. Appeal and revision preferred by Applicant having been dismissed vide order under Annexure-5 dated

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17.3.2005, and order under Annexure-6 dated 21.6.2005 confirming the order of punishment under Annexure-4, applicant preferred this Original Application seeking annulling the orders under Annexurs-4,5 and 6 with direction to the Respondent to take him back to service with all consequential benefits.

2. Respondents in their counter, besides on the merit of the matter, opposed the very maintainability of this OA in this Bench of the Tribunal. However, no rejoinder has been filed by the Applicant.

3. In view of the above, we have heard first on the question of jurisdiction. Leaned Counsel for the Respondents has submitted that since the applicant's, disciplinary authority, Appellate Authority as also revisional authority are of Waltair and the Applicant is also residing at Visakhapatnam, this Bench lacks jurisdiction to entertain this OA.

4. On the other hand learned counsel for the Applicant by drawing our attention to the provision of Rule 6 of the CAT (Procedure) Rules, 1987 has pointed out that since Respondent No.1 is stationed at Bhubaneswar which comes within the jurisdiction of this Tribunal, it is incorrect to say that this OA is not maintainable in this Bench. As such, he has prayed for considering the matter on merit.

5. On perusal of record, it is seen that this OA was listed on 20.12.2005 with the objection of the Registry that the grievance of applicant is not maintainable in this Bench of the Tribunal. Accordingly, this Bench of the Tribunal issued notices to the Respondents keeping the question of jurisdiction open to be



adjudicated at the time of final hearing of the matter. Rule-6 of the Rules *ibid* provides as under:

"6. Place of filing application - (1) Annexure-application shall ordinarily be filed by an applicant with the Registrar of the Bench within whose jurisdiction -

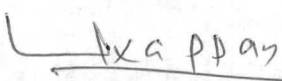
- (i) the applicant is posted for the time being; or
- (ii) the cause of action, wholly or in part, has arisen:

Provided that with the leave of the Chairman the application may be filed with the Registrar of the Principal Bench and subject to the 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), a person who has 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."

6. It is seen that besides the authorities whose orders are under challenge, the Applicant is also residing out side the jurisdiction of this Tribunal. No permission has also been obtained by the Applicant for filing this OA as required under Section 25 of the Act. As such, we have no doubt in our mind to hold that this Bench of the Tribunal lacks jurisdiction to entertain and decide the grievance of Applicant.

7. Hence, this OA stands dismissed on the ground of jurisdiction. However, it is ordered that the applicant is entitled to exclusion of the period from the date of filing this OA till date for the purpose of limitation. No costs,


(JUSTICE K. THANKAPPAN)
MEMBER (JUDICIAL)


(C.R. MOHAPATRA)
MEMBER (ADMN.)