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C.A. No. 1144/2002.

ORDER NO. 3, DATED 29-6-2003.

Heard Mr. A. K. Mehta, Learned Counsel for the Applicant and Mr. R. C. Rath, Learned Standing Counsel for the Railways (on whom a copy of this original Application has been served) on the question of admission.

This original Application has been filed by Shri Rabinarayan Sethi, Aged about 30 years, S/o. Sri Pranakrushna Sethi, presently working as Trained Skilled Artisan, Tikiapaba Kharagpur. Applicant was appointed by the Chief Personnel Officer, S. E. Railway, Garden Reach, Kolkata-43 vide his Memorandum No. P/L/13/M/Alt. Apptt/07/2002 dated 22.4.2002 under Annexure-4. Mr. Rath, Learned Standing Counsel submitted that this C.A. is not maintainable before this Tribunal in view of Rule-6 of CAT (Procedure) Rules, 1987. The said rules provide as under:-

\*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 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

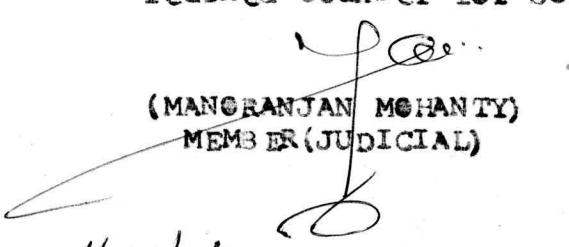
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residing at the time of filing of the application\*.

Since the Applicant is posted presently within the jurisdiction of the CAT, Calcutta Bench, this original Application is rightly pointed out by the Learned Standing Counsel for the Railways, is not maintainable before us. That apart, the cause of action wholly or in part also arose at Kolkata because of the order issued by the Chief Personnel Officer, S. E. Railway, at Annexure-4.

In this view of the matter, we see that this S.A. is not maintainable in terms of Rule-6 of CAT (Procedure) Rules, 1987, referred to earlier. Accordingly, this SA is dismissed at the stage of admission <sup>on ground of</sup> being lack of jurisdiction.

Send copies of this order, alongwith SAs, to the Respondents and free copies of this order be given to learned counsel for both sides.

  
(MANGRANJAN MOHANTY)  
MEMBER (JUDICIAL)

  
(B.N. SENGUPTA 29/7)  
VICE-CHAIRMAN

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Post. The same copy  
of order issued to the  
Counsel for both side

  
S.C.

  
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4/8/03