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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO.449 OF 2010

Cuttack this the 25th day of April, 2012

CORAM:

HON'BLE SHRI C.R.MOHAPATRA, ADMINISTRATIVE MEMBER
AND
HON'BLE SHRI A.K.PATNAIK, JUDICIAL MEMBER

1. L.V.Ramanand, aged about 39 years, S/o. Late L.Krishna Rao, working as Marker, Office of Chief Goods Supervisor, E.co.Railway, Gangvaram Port, At/PO-Vishakapatnam (A.P.)
2. B.Ramu, aged about 31 years, S/o. late Appa Rao, at present working as Khalasi, O/o. S.S.E.(Works) W.S. E.Co.Rly, Waltar, At/PO-Visakhapatnam (AP)
3. K.Rama Murty, aged about 39 years, S/o. Appala Raju, at present working as Khalasi-Helper, O/o. Deputy C.S.T.Projects, E.Co.Rly, Waltar, At/PO-Visakhapatnam (AP)
4. B.P.C.Prakash Rao (alias V.Purnachandra Prakash Rao), aged about 35 years, S/o. late Balakrishna, at present working as Khalasi, O/o. Dy.C.S.T.Projects, E.Co.Rly, Waltar, At/PO-Visakhapatnam (AP)
5. P.Kumara Swamy, aged about 30 years, S/o. Appa Rao, at present working as Chowkidar, O/o. Electrical (General) E.Co.Rly, Vijayanagaram, At/PO/District Visakhapatnam (AP)

...Applicants

By the Advocates: M/s. C.A.Rao, S.K.Bhera, & A.Rath

-VERSUS-

1. Union of India represented by the General Manager, East Coast Railway, Chandrasekharpur, At/PO-Bhubaneswar, Dist-Khurda
2. Chief Personnel Officer, East Coast Railway, Chandrasekharpur, At/PO-Bhubaneswar, Dist-Khurda
3. Divisional Railway Manager (P), E.Co.Railway, Waltair, Dandoparti, At/PO-Vishakapatnam-16(AP)
4. Sr.Divisional Personnel Officer, East Coast Railway, Dandoparti, Vishakapatnam-16(AP)

...Respondents

By the Advocates: Mr.S.K.Ojha, SC

O R D E R

A.K.PATNAIK, MEMBER(J): Applicants (five in number) have approached this Tribunal seeking the following relief.

- i) The original application be admitted and connected records be called for.

V.A.C

(1)

- ii) After hearing the parties the respondents/Railway be directed to extend the similar benefits which were extended to Technician of some Electrical (General) Department (Annexure-8 and 9) who were also with B-2 Medical category with similar provisional / conditional appointment like applicants with all service and financial benefits accrued from such decision by quashing the order dt. 22.1.2009 (Annexure-7) and (Annexure-12)
- iii) and/or any other order(s)/direction(s) as may be deemed fit and proper be passed for which the applicants ever pray.

2. Respondent-Railways, while opposing the prayer of the applicants, have raised the point of maintainability of this O.A. before this Tribunal. In sub Paragraph-3, it has been submitted as under :

“Further more, the Original Application is also not maintainable as no cause of action arose within the state of Orissa for which the Hon’ble Tribunal having territorial jurisdiction. It is also clear from the prayer as well as the averments made in the Original Application that the applicants are all along challenging the order/action of the Railway Authorities of Waltair Division. Merely because the General Manage/East Coast Railway is a party no proceeding is maintainable before this Hon’ble Bench”.

3. We have heard Shri C.A.Rao, learned counsel for the applicants and Shri S.K.Ojha, learned Standing Counsel for the Respondent-Railways on the point of maintainability. In this connection, it would be profitable to quote Rule-6 of C.A.T.(Procedure) Rules, 1987 which prescribes 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

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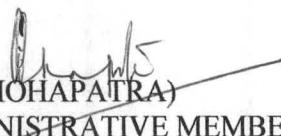
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subject to the orders under Section 25, such application shall be heard and disposed of by the Bench which has jurisdiction over the matter.

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]

4. We have considered the submissions made by the learned counsel for the applicant regarding the point of maintainability vis-à-vis Rule-6 of C.A.T.(Procedure) Rules, 1987 as quoted above.

5. Having regard to above quoted Rules, we are of the considered view that the applicants are not governed by any of the circumstances as laid down under Rule-6(1) or 6(2) as the case may be. Since this Tribunal has no jurisdiction to entertain this O.A., we are not inclined to consider the matter on merit. In the circumstances, the O.A. is dismissed being not maintainable. No costs.


(C.R.MOHAPATRA)
ADMINISTRATIVE MEMBER


(A.K.PATNAIK)
JUDICIAL MEMBER