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O.A. No. 494 of 2009
Kumari Dinu Bhengra ... Applicant
Versus
UOI & Ors. ... Respondents

Order dated ^{27th} October, 2009.

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)

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The order under Annexure-A/3 dated 02.09.2005 rejecting the prayer of the Applicant for appointment on compassionate ground is under challenge in this Original Application filed u/s.19 of the A.T.Act, 1985 on the grounds stated in the Original Application with prayer to quash the said order under Annexure-A/3 and to direct the Respondents to provide her appointment on compassionate ground. Heard Learned Counsel for the Applicant and Mr. S.K.Ojha, Learned Standing Counsel appearing on notice for the Respondents and perused the materials placed on record. On perusal of the records, it is seen that the Applicant is residing at Jondragoda in the District of East Singhbhum (Jharkhand). Except Respondent No.4 all other Respondents are of South Eastern Railway that too residing outside the jurisdiction of this Tribunal. Though Respondent No.4 is in the District of Mayurbhanj he also comes under the South Eastern Railway and Respondent No.4 is not the authority to take decision in the matter. It appears that he has been arrayed a party to this OA as the father of the Applicant was working under him. The



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communication has also been made to the applicant through her original address of East Singhbhum (Jharkhand).

Rule 6 of CAT (Procedure) Rules, 1987 deals in regard to place of filing application. It provides as under:

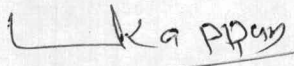
“6. Place of filing application –(1) Annexure-application shall ordinarily be filed by an applicant with the Registrar of the Bench within whose jurisdiction –

- (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 order 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.**”

2. None of the provisions of the aforesaid Rules has been fulfilled by the Applicant so as to enable this Bench of the Tribunal to entertain this OA. Hence without going to the merit of the matter this OA is dismissed on the point of jurisdiction.


(JUSTICE K.THANKAPPAN)
MEMBER (JDDL.)


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