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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O.A.No.1051 OF 2012
Cuttack this the 4th day of February, 2013

CORAM:

HON'BLE SHRI A.K.PATNAIK, MEMBER(J)
HON'BLE SHRI R.C.MISRA, MEMBER(A)

Anshuman Dey,
aged about 57 years,
S/o. late Fanibhusan Dey,
At-Hari Nivas, Asimbad,
PO-Balasore,
Dist-Balasore
At present working as Executive Engineer(E),
Office of the Superintending Engineer(Elect),
All India Radio,
C.C.W. (Civil Construction Wings) T.V.Centre,
Golf Green
Kolkata,
PIN-700 095

...Applicant

By the Advocates:Ms.U.R.Padhi

-VERSUS-

Union of India represented through

1. The Secretary
Information & Broad Casting, Sastree Bhawan, 5th Floor, New Delhi-110 001
2. The Director General, Chief Executive Officer, All India Radio, Prasar Bharati, Broad Casting Corporation of India, Parliament Street, Akashvani Bhawan, New Delhi-110 001
3. The Chief Engineer©-I, Civil Construction Wing, All India Radio, Soochana bhawan, 5th Floor, Lodhi Road, C.G.O. Complex, New Delhi
4. The Superintedning Surveyor of Works (C0-II (Enquiry Officer), Civil Construction Wing, AIR, 5th Floor, Soochana Bhawan, C.G.O. Complex, New Delhi-110 008

...Respondents

By the Advocates:Mr.S.B.Jena,ASC



ORDER(Oral)

SHRI R.C.MISRA, MEMBER(A):

Applicant, Shri Anshuman Dey has filed this Original Application, inter alia, praying therein for direction to Respondents, particularly, Respondent No.3 to consider his representation dated 7/10.9.2012(Annexure-A/5) for giving him retrospective promotion with effect from 1.7.1997 with consequential service benefits.

2. We have heard Ms.U.R.Padhi, learned counsel for the applicant and Shri S.B.Jena, learned ASC appearing for the Respondents on the question of admission.

3. It is seen from the record that the present posting of the applicant is at Kolkata wherefrom he has submitted representation under Annexure-A/5 seeking retrospective promotion with consequential benefit from the date of his eligibility w.e.f. 01.07.1997. Therefore, as this Bench entertained doubt regarding maintainability of this O.A. the provisions of Rule-6 of C.A.T. (Procedure) Rules, 1987 were adhere to. For the sake of clarity, Rule-6 of C.A.T. (Procedure) Rules, 1987 reads as under.

6. 1[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), 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. When queried, learned counsel could not be able to convince the Tribunal that the applicant satisfies any of the provisions of Rule-6 as quoted above.

5. In this view of the matter, the O.A. is held to be lack of jurisdiction and accordingly, the same is rejected at the threshold. No costs.


(R.C.MISRA)
MEMBER(A)

BKS


(A.K.PATNAIK)
MEMBER(J)