

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

ORIGINAL APPLICATION NO. 938 OF 2013
CUTTACK, THIS THE 6th DAY OF January, 2014

CORAM

HON'BLE SHRI A.K. PATNAIK, MEMBER (JUDL.)

HON'BLE SHRI R.C. MISRA, MEMBER (ADMN.)

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S. Joga Rao,
Aged about 37 years,
S/o Late S. Raju Pilla,
Qr. No. 237, E.Co.Railway, Waltair
Presently working as SCLM (Safaiwala-Cum-Lampman)
Office of Station Supt./L.Kota, E.Co.Riy.,
Waltair Division, Waltair.

..... Applicant

(Advocate(s) : M/s. Agasti Kanungo, C.Nayak)

VERSUS

Union of India Represented through

1. General Manager,
East Coast Railway,
Chandrasekharpur, Rail Sadan,
Bhubaneswar, Dist-Khurda.
2. Chief Personnel Officer,
East Coast Railway,
Chandrasekharpur,
Bhubaneswar, Dist- Khurda.
3. Divisional Railway Manager(personnel),
East Coast Railway,
Waltair Division,
Waltair, Visakhaatnam.
4. Senior Divisional Operation Manager,
East Coast Railway,
Waltair Division,
Waltair, Visakhapatnam.
5. Chief Medical Director,
East Coast Railway,
Chandrasekharpur,
Bhubaneswar, Dist-Khurda.
6. Chief Medical Superintendent,
East Coast Railway,
Waltair Division,
Waltair, Visakhapatnam.

... Respondents

Advocate(s)..... Mr. T. Rath.

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ORDER (ORAL)

MR. A.K.PATNAIK, MEMBER (JUDL.):

In this Original Application, the applicant, presently working as SCLM (Safaiwala-Cum-Lampman), being posted to East Coast Railways, Waltair, has moved this Tribunal seeking the following relief:

“(A)...direction be issued to the Respondent No.2, the CPO, E.Co.Railway to give the benefit of MACP, taking note of the entire temporary status service of substitute w.e.f. 28.09.99 (including the period w.e.f. 25.05.2001 to 17.12.2008) in consonance with the RBE No. 36 of 2010 under Annexure-12. L

(B) The Letter/order dated 18.07.2013 under Annexure-7 declaring the medical category according to the post be quashed.

(C)directions be issued to the Respondent No.5 fit the applicant in the post of Token Porter against the Medical Category A.2.”

2. Ventilating his grievance, the applicant has filed a representation dated 05.09.2012 addressed to Chief Personnel Officer, E.Co.Rly. (Respondent No. 2) followed by another representation dated 24.10.2013 addressed to Chief Medical Director, E.Co.Rly. (Respondent No.5), which having not been considered, the applicant has moved this Tribunal in the present O.A. seeking the relief as referred to above.

3. During the course of admission of this O.A, it was brought to our notice since the applicant is presently working at Waltair, ^{Bench of the} this Tribunal lacks jurisdiction in view of Rule 6 of the CAT

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(Procedure) Rules, 1987. In this connection, the relevant provision of Rule 6 is quoted below :

“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.

4. We have heard Sri A. Kanungo, Ld. Counsel appearing for the applicant, and Mr. T. Rath, Ld. Standing Counsel for the Respondent-Railways. When pointed out, regarding jurisdiction of this Tribunal, Ld. Counsel for the applicant could not convince us in this regard.

5. Since, by the above quoted provision of Rule 6, this Bench of the Tribunal lacks jurisdiction, we are not inclined to consider this O.A. on the question of admission. In the result, the O.A. is disposed of being hit by the point of jurisdiction.

MEMBER (Admin.)

MEMBER (Judl.)