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Central Administrative Tribunal
Cuttack Bench, CuttackOANo.260/001082/14Cuttack, this the 19th day of February, 2014CORAMHON'BLE MR.A.K.PATNAIK, MEMBER(J)
HON'BLE MR.R.C.MISRA, MEMBER (A)

1. Nipur Devi, aged about 56 years
Wife of Late Baidya Nath Mahto
2. Chain Singh Mahto, aged about 30 years
Son of Late Baidya Nath Mahto
Both are of Lowadih, P.O. Tulki P.S., Silli ,
District Ranchi (Jharkhand). Applicants

(By Advocate: Mr.Deepak Kumar Mohapatra)

Versus

1. The Union of India through
The General Manager
South Eastern Railway
Garden Reach
Kolkata – 700 043.
2. The General Manager (P)
South Eastern Railway
Garden Reach, Kolkata-43.
3. The Divisional Manager
South Eastern Railway
At P.O. & P.S. Chakradharpur
District Singhbhum (West)
Jharkhand.
4. Divisional Personnel Officer
At P.O./P.S. Chakradharpur
Dist Singhbhum (West)
Jharkhand.
5. Senior Divisonal Electrical Engineer (TRS)
At/P.O./P.S.Bandamunda
Dist. Sundargarh, Odisha. Respondents

(By Advocate: Mr.T.Rath)

Walter

O R D E R (oral)A.K.PATNAIK, MEMBER (J)

Heard Mr.D.K.Mohapatra, learned counsel appearing for the applicant and Mr.T.Rath, learned Standing Counsel appearing for the respondent-Railways on whom a copy of this OA has already been served and perused the material placed on record.

2. This OA has been filed by the applicants under Section 19 of the Administrative Tribunals Act, 1985 with a prayer for setting aside the order dated 22.01.2014 (Annexure A/5) rejecting the request of the first applicant for compassionate appointment to her son, the second applicant.

3. When the OA was taken up for hearing, Mr.Rath, learned Standing Counsel for the Railways vehemently opposed the prayer for providing compassionate appointment to the son of the deceased employee on the ground of lack of jurisdiction. He drew our attention to Annexure A/5 order and submitted that the applicants are residents of Jharkhand, which is outside the territorial jurisdiction of this Bench .

4. We are convinced with the arguments advanced by Sri Rath. Rule 6 of the CAT (Procedure) Rules, 1987 is reproduced hereunder:-

“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), 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.”



5. In view of the above, we are convinced that this Bench has no territorial jurisdiction to entertain the OA. Accordingly, the OA is dismissed for lack of jurisdiction.


(R.C.MISRA)
MEMBER (A)


(A.K.PATNAIK)
MEMBER(J)

aa.