

CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTYA BENCH

O.A. No. 1218 of 1996

Present : Hon'ble Mr. Justice S.N. Mallick, Vice-Chairman  
Hon'ble Mr. S. Dasgupta, Administrative Member

Chaturbhuj Gowala, s/o Bhola Gowala,  
BTM under ATFO(RC), S.E. Railway,  
Chakradharpur - Residence - E/53/1,  
R.E. Colony, S.E. Rly., Chakradharpur,  
PIN - 833 192.

..... Applicant

-vs-

1. Union of India,  
through the General Manager, S.E. Rail-  
way, Garden Reach, Calcutta ;
2. Chief Personnel Officer, S.E. Rly.,  
Garden Reach, Calcutta ;
3. Divisional Personnel Officer,  
S.E. Railway, Chakradharpur.

..... Respondents

For applicant : Mr. B.P. Roy, counsel  
Mr. P.K. Ghosh, counsel  
Mr. S.N. Mitra, counsel

For respondents : Mr. P.Chatterjee, counsel

Heard on : 10.3.1998 - Order on : 24.3.1998

O R D E R

S.N. Mallick, VC

In this original application, the applicant has challenged the order dated 25.7.95 passed by the Divisional Personnel Officer, Chakradharpur(vide Annexure 'B'), whereby his appeal in connection with his promotion vis-a-vis his juniors as Fitter Gr.III was considered and rejected on the ground that he was given chance to appear in the trade test for promotion for the post of Fitter Gr.III in which he failed but his juniors, viz. S/Shri A.K.Dora and K.V.Ramana succeeded

and as such the latter were given promotion and the petitioner consequentially became junior to them.

2. The petitioner at the material time was working as BTM under ATFO(RC), South Eastern Railway, Chakradharpur. It is further alleged that against the above order, he preferred a representation to the C.P.O., S.E. Railway, Garden Reach, Calcutta dated 18.3.96(vide Annexure 'C'), which has not been disposed of. For this he has moved this Bench of the Tribunal for a declaration that he is entitled to the benefits made available in Railway Board's letter No.E(P&A)1-82/JC/1 dated 13.11.82 and for a direction upon the respondents to treat him as re-classified and upgraded and allotted Skilled Grade i.e. Skilled Artisan/Fitter in grade Rs.260-400/- with effect from 1.8.1978 along with all consequential benefits including proforma fixation of pay etc.

3. At the time of admission hearing, a preliminary objection has been taken on behalf of the respondents that this Tribunal has no territorial jurisdiction to entertain the instant application as the petitioner has all along been working at Chakradharpur, Bihar and no cause of action has arisen within the jurisdiction of this Bench of the Tribunal.


4. Our attention has been drawn to Rule 6 of the Central Administrative Tribunal(Procedure Rules), 1987, which lays down that an application shall ordinarily be filed by an applicant with the Registrar of the Bench within whose jurisdiction the applicant is posted for the time being or the cause of action, wholly or in part has arisen. It is, however, provided that with the leave of the Chairman, the application may be filed before the Principal Bench and subject to the provision of

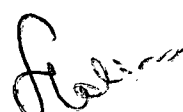
Section 25, such application is to be heard and disposed of by the Bench, which has jurisdiction over the matter. The petitioner, admittedly has never worked within the jurisdiction of this Tribunal and admittedly he is working at Chakradharpur. The impugned order being at Annexure 'B' was passed by the Sr.Divisional Personnel Officer, Chakradharpur. Accordingly, the application should have been filed before the appropriate Bench of the Tribunal at Patna.

5. The fact that the petitioner has made a representation to the C.P.O., S.E. Railway, Garden Reach, Calcutta being respondent No.2 as per Annexure 'C' cannot create jurisdiction of this Tribunal to entertain the instant application. Accordingly, we accept the contention of the counsel appearing for the respondents that this Tribunal has no territorial jurisdiction to entertain this application and the same must be dismissed for want of jurisdiction.

6. We, therefore, dismiss the application for want of jurisdiction. This order, however, is without any prejudice to the right of the petitioner to move the appropriate Bench for remedying his grievance by filing a suitable application according to law, if not otherwise barred.

7. No order is made as to costs.

  
( S. Dasgupta )  
Member(A)

  
( S.N. Mallick )  
Vice-Chairman