

CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH, JODHPUR

Date of order : 19.3.98.

O.A. No. (Def. No. 546/97) /1998.

Jabber Singh S/o Shri Bhika Lal Ji Purohit, by caste Rajpurohit, aged 30 years, permanent resident of Vill. Auwa, Tehsil Marwar Junction, District - Pali(Raj), Local Address : Outside Chandpole, Jodhpur, at present I.F.S. (Probationer Trainee).

... Applicant ...

vs.

1. The Union of India through Secretary, Ministry of Environment & Forests, Paryavaran Bhawan, C.G.O. Complex, Lodhi Road, New Delhi.
2. The Deputy Secretary (Director, Cadre Allocation), Ministry of Environment and Forests, C.G.O. Complex, Lodhi Road, New Delhi.

... Respondents...

Mr. M.C. Bhoot, learned counsel for the Applicants.

CORAM

HONOURABLE MR. A.K. MISRA, JUDICIAL MEMBER
HONOURABLE MR. GOPAL SINGH, ADMINISTRATIVE MEMBER

PER HONOURABLE MR. A.K. MISRA :

The applicant has filed this O.A. with the prayer that the impugned Notification dated 29.3.1996 (Annexure A-1) be quashed and the respondents be directed to allocate Gujarat cadre to the applicant instead of Bihar cadre.

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2. We have heard the learned counsel for the applicant and have gone through the application.

3. The applicant was appointed to the Indian Forest Service vide telegraphic communication dated 10.5.1995. In pursuance thereof, the applicant joined as Probationer for the 61st Foundational course as per the details contained in the order dated 8/11th Sept., 1995, Annex.A/4. Thereafter, vide ~~the~~ Notification dated 29.3.1996 (Annex.A-1), the applicant was allocated Bihar cadre. This Notification has been challenged by the applicant. By giving certain facts, he has claimed that he be allocated Gujarat cadre instead of Bihar. He has also stated in the O.A. that the cause of action accrued to the applicant at Jodhpur, therefore, Jodhpur Bench of the Central Administrative Tribunal, has the jurisdiction in the matter.

4. The claim of the applicant was scrutinised by the Registry and an objection regarding jurisdiction was incorporated in the report on the scrutiny of application. It is mentioned in the Sheet that this Bench has no jurisdiction.

5. The learned counsel for the applicant has argued that the applicant is a resident of Jodhpur. He received the appointment order at Jodhpur, therefore, the cause of action accrued to him at Jodhpur for seeking redressal of his grievance. He has further argued that as per the Rule (6) of the Central Administrative Tribunal (Procedure) Rules, 1987 (for short 'the Rules'), the

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application is maintainable in this Bench. The learned counsel has cited AIR 1989 SC Page 1239- ABC Laminart (P) Ltd. Vs. A.P. Agencies Salem, in support of his arguments.

6. We have considered the arguments. As per the Rule (6) of the Rules, such application can be instituted in the Bench within whose jurisdiction the applicant was or is posted for the time being or the cause of action wholly or in part had arisen. Examining the present application keeping in view the said provisions, we find that at the relevant time, the applicant was not posted at Jodhpur. He being a resident of Jodhpur only received the appointment offer at Jodhpur. The applicant has no grievance as against his appointment in the Indian Forest Service. When the applicant was under going the training, the Notification regarding cadre allocation was issued on 29.3.1996. As against this Notification the applicant has a grievance and, therefore, the cause of action can be said to have arisen to the applicant on the date of the notification either at the place where he was under-going the training or at a place where he was posted. From the letter dated 17.8.1995 (Annex.A/5), it appears that information was sought from the Director, Indira Gandhi National Forest Academy, Dehradun, regarding actual number of probationers under-going training for initiation of allocation process. Therefore, the part of cause of action can be said to have accrued to the applicant at Dehradun. In any case, the cause of action

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or part thereof, had not at all accrued to the applicant at Jodhpur.

7. We have gone through the ruling cited by the learned advocate for the applicant to which there cannot be two opinions about the principles laid down therein, the principles in our humble opinion do not apply in the instant case because of difference of facts. The case in hand is a service matter and not a dispute relating to commercial contract. Therefore, the ruling does not help the applicant in the instant case.

8. The application, in our opinion, has wrongly been filed in this Bench which has no jurisdiction in the matter. The Original Application, therefore, deserves to be returned to the applicant for being presented to the proper Bench of the Tribunal.

9. In the result, the registration of the application is declined for the reasons given above and it is ordered that the application be returned to the applicant or to his counsel for being presented before the Bench of the Central Administrative Tribunal having the jurisdiction.

Gopal Singh

(GOPAL SINGH)
Administrative Member

AM

(A.K.MISRA)
Judicial Member

ME/MRA

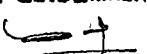
Recd Copy of order
abiding petition, Annexures

& Extra sets



20/3/98

Part II and III destroyed
in my presence on ... 8-4-2004
under the supervision of
section officer () as per
order dated 22/2/2003.


Section officer ()