

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH

ORIGINAL APPLICATION NO. 107/2005

Dated: 19.01.2007

28
7/12

CORAM :

HON'BLE MR. J.K. KAUSHIK, JUDICIAL MEMBER

HON'BLE MR. R.R. BHANDARI, ADMINISTRATIVE MEMBER

Laldass S/o Shri Rewant Dass Resident of Village Jegania
(Bidawtan_, Tehsil Ratangarh, Police Station Rajaldesar, District
Churu, Post – the applicant is an unemployed person, seeking
employment in the respondent – department.

.....Applicant.

By Mr. D.S. Soha, Advocate, for the applicants.

Versus

1. The Union of India through the Secretary,
Ministry of Defence, Sena Bhawan,
Government of India, New Delhi.
2. The General Manager, OPTO, Electronics Factory,
Government of India, Ministry of Defence,
Raipur, Deharadun (Uttarakhand),
3. The Assistant Works Manager/Admn. OPTO,
Electronics Factory, Government of India,
Ministry of Defence, Raipur, Deharadhun (Uttarkhand).

.....Respondents.

By Mr. Vineet Mathur, Advocate, for the respondents.

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ORDER

[BY J.K. KAUSHIK, JUDICIAL MEMBER]

Heard the learned counsel for both the parties. The matter
was heard on an earlier occasion also but, it was found that this
Bench of the Tribunal is not having jurisdiction to entertain the
same. The same has been examined on the point of jurisdiction.

2. We have taken judicial on notice of a decision delivered by
the Hon'ble High Court of Karnataka in the case of **K. Balaji Vs.**

I.C.F. Chennai reported in 2004 (2) ATJ 136, wherein, the

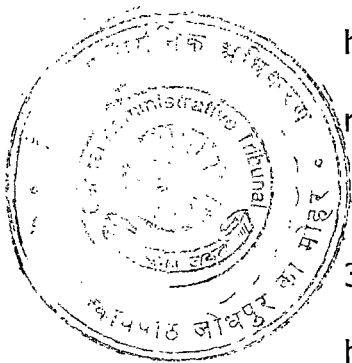
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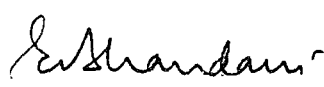
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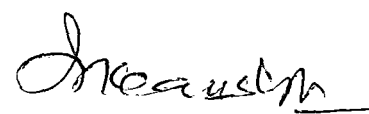
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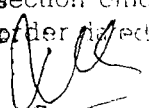
decision of a coordinate Bench⁻²⁻ of this Tribunal at Bangalore rejecting the O.A. filed on the ground that no cause of action arose at Bangalore, was affirmed. Though, the learned counsel for the applicant, in this case has tried to show that number of communications were received by the applicant at Jodhpur and, therefore, this Bench of the Tribunal would have jurisdiction, we find that such plea has been fully dealt with and examined by the Hon'ble High Court at Karnataka as well as the Bangalore Bench of this Tribunal exhaustively, wherein, in similar facts and circumstances of the case, it was held that the Tribunal would not have jurisdiction to entertain the Original Application. We have absolutely no hesitation in following the ratio of the same; rather we are bound by it as per the law of precedence.



3. In the premises, we hold that this Bench of the Tribunal is not having territorial jurisdiction to entertain this O.A., as neither the cause of action in part or full has arisen within the territorial jurisdiction of this Bench of the Tribunal nor the applicant is posted here, since he is not in the employment, as per Rule (6) of the Central Administrative Tribunal (Procedure), Rules, 1987. Therefore, this O.A. stands dismissed for want of jurisdiction which we direct. It is scarcely necessary that this order shall not come in the way of the applicant in availing the appropriate remedy or to approach the appropriate Court of Law, as may be available to him. The Registry may return the original papers as per rules, on specific written request to this effect on behalf of the applicant. No costs.


(R.R. Bhandari)
Admv. Member


(J.K. Kaushik)
Judl. Member

Part II and III destroyed
in my presence on 2/27/14
under the supervision of
section officer (as per)
order dated 26/3/14

Section officer (Record)

RIC
Rajiv
H2107
for - D.S. 804/1500

