

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A. NO. 444 OF 2009

Friday, this the 24th day of July, 2009.

CORAM:

**HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER
HON'BLE Ms.K.NOORJEHAN, ADMINISTRATIVE MEMBER**

V.Sekhar.

Ex- Deputy Chief Ticket Inspector, Grade-II
Southern Railway, Erode
Residing at Door No.340, 14th Street
Phase - II, Tamil Nadu Housing Board
Sathuvachari, Vellore - 632 609

... Applicant

(By Advocate Mr.TCG Swamy)

versus

1. Union of India represented by the General Manager
Southern Railway, Headquarters Office,
Park Town PO, Chennai - 3
2. The Divisional Commercial Manager
Southern Railway, Palghat Division,
Palghat.
3. The Senior Inquiry Officer,
Southern Railway, Headquarters Office,
Chennai.
4. The Divisional Commercial Manager,
Southern Railway, Salem Division,
Salem.
5. The Senior Divisional Commercial Manager
Southern Railway, Salem Division,
Salem.
6. The Divisional Railway Manager,
Southern Railway, Salem Division,
Salem.
7. The Joint Director Vigilance (T)
Ministry of Railways
Railway Board ,
New Delhi.

... Respondents

 (By Advocate Mr.Thomas Mathew Nellimoottil)

The application having been heard on 24.07.2009, the Tribunal on the same day delivered the following:

ORDER

HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER

The applicant right now serving at Erode (Tamil Nadu) has filed this OA before this Bench on the grounds that part of cause of action having arisen when the applicant was serving in Palghat Division, Rule 6 of CAT (Procedure) Rules, 1987 permits filing of an OA before this Bench. He has relied upon the following decisions :-

- (a) AIR 1989 SC 1239, Para 12
- (b) Full Bench decision 1991-94 Vol.3, Page 7, Para 10
- (c) AIR 1995 SC 2148 Para 13

2. According to the counsel for applicant, the charge sheet was issued by Divisional railway Manager, Palghat when he was serving in Palghat Division and inquiry was conducted before Erode Division came into existence on 01.11.1997. It is only the impugned order of penalty, Appellate order and Revision order that have been passed by authorities at Salem / Chennai. To a question as the place where the applicant was serving at the time of issue of charge sheet, the counsel fairly stated that all through the place of posting of the applicant has been at Erode which comes under the territorial jurisdiction of State of Tamil Nadu. The Counsel has stated that cause of action in this case is the issue of charge sheet which is germane to final penalty order. He has also invited our references to Annexure A-7 order dated 18.07.2008 in OA 323/07 wherein he was permitted to withdraw the OA challenging the penalty order with liberty to file a fresh OA impugning the order of the Appellate Authority as well.

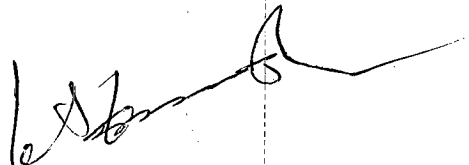
3. All the decisions cited by the Counsel for applicant have been considered. However, the direct authority in this regard is the decision by the Apex Court in the case of **Union of India vs. Kunisetty Satyanarayana, (2006) 12 SCC 28**, wherein the Hon'ble Supreme Court has held as under :-

"The reason why ordinarily a writ petition should not be entertained against a mere show cause notice or charge sheet is that at that stage the writ petition may be held to be premature. A mere charge sheet or show cause notice does not give rise to any cause of action, because it does not amount to an adverse order which affects the rights of any party unless the same has been issued by a person having no jurisdiction to do so. It is quite possible that after considering the reply to the show cause notice or after holding an enquiry the authority concerned may drop the proceedings and / or hold that the charges are not established. It is well settled that a writ petition lies when some right of any party is infringed. A mere show cause notice or charge sheet does not infringe the right of anyone. It is only when a final order imposing some punishment or otherwise adversely affecting a party is passed, that the said party can be said to have any grievance."

4. In view of the above, we have no hesitation to hold that since the applicant has been serving in the State of Tamil Nadu, and all the impugned orders have emanated from the authorities functioning in Tamil Nadu, the territorial jurisdiction to deal with this case has to be only the Madras Bench of the Central Administrative Tribunal and not this Bench. Hence the OA is rejected for want of jurisdiction. No costs.

Dated, the 24th July, 2009.


K.NOORJEHAN
 ADMINISTRATIVE MEMBER


Dr.K.B.S.RAJAN
 JUDICIAL MEMBER

VS