

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

D. A. No.  
~~XXXXX~~

238 of 1992

DATE OF DECISION 4.6.92

C. Kuttan

Applicant (s)

Mr.R.Krishnan Nair

Advocate for the Applicant (s)

Versus

Union of India through  
Engineer in-Chief's Branch

Respondent (s)

Army H.Q. New Delhi and others

Mr.N.N.Sugunapalan, SCGSC

Advocate for the Respondent (s)

through proxy counsel

CORAM :

The Hon'ble Mr.S.P.Mukerji, Vice Chairman

The Hon'ble Mr. A.V.Haridasan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *yes*
2. To be referred to the Reporter or not? *M*
3. Whether their Lordships wish to see the fair copy of the Judgement? *M*
4. To be circulated to all Benches of the Tribunal? *M*

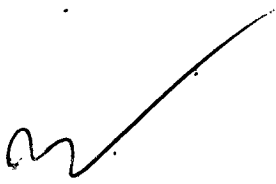
JUDGEMENT

(Hon'ble Shri A.V.Haridasan, Judicial Member)

The applicant Shri Kuttan presently working as Supervisor B/S Gde.I in the office of the Barracks Stores Officer, Panaji under the Garrison Engineer, Panaji has filed this application under Section 19 of the Administrative Tribunals Act impugning the order No.132401/1/Tenure/EIB(S) dated 15th Feb. 1990 transferring him from the office of Commander Work Engineers, Panaji, Goa to DGNP, Vizag. He has impugned the order on various grounds. The Garrison Engineer, Panaji, according to the applicant comes within the Cochin Zone.

2. When the matter came up for admission, the

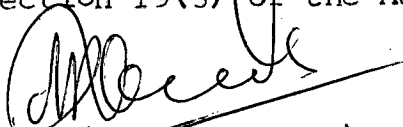
...2



respondents contend that this Bench of the Tribunal has no jurisdiction to entertain the application because no part of the cause of action has arisen within the territorial jurisdiction of this Bench and as the applicant's present place of posting is at Panaji which is within the territorial jurisdiction of the Bombay Bench of the Tribunal. This application was adjourned on several occasions as the learned counsel for the applicant was at pains to make out his case that atleast a part of cause of action has arisen within the jurisdiction of this Tribunal. As a part of this attempt the learned counsel invited our attention to the decision of this Bench of the Tribunal in O.A.952/90 wherein some officers who are working under the Garrison Engineer, Panaji jointly with others working under the Command Works Engineer, Cochin had prayed for refixation of pay. In that case this Bench of the Tribunal held that though some of the applicants who were posted at Panaji as they were working under the Chief Engineer, Cochin it <sup>not</sup> could be held that no part of cause of action had arisen within the territorial jurisdiction of this Tribunal. Therefore the application was entertained ~~and granted the relief~~. Seeking support from the above view taken by the Tribunal the learned counsel argued that the situation in this case is identically ~~same~~ as the applicant though working under the Garrison Engineer, Panaji, he is borne on the cadre of the Cochin Zone and therefore, it cannot be said that no part of cause of action has arisen in the State of Kerala. The learned Central Govt. Standing Counsel on the other hand submitted that he has received instructions

from the Chief Engineer, Cochin that Panaji is within the administrative control of the Chief Engineer, Madras Zone. Since no authentic record on this aspect has been placed before us, we are not going into that aspect. However, it will be sufficient if it is said that the order impugned in this case being one issued by the Command Chief Engineer, Pune, no part of cause of action has arisen here. The fact that the applicant has made representation to the Command Chief Engineer through the Chief Engineer, Cochin does not bring any part of cause of action to ~~have arisen in~~ Cochin. There-  
<sup>as</sup>fore as the applicant is posted at Panaji and no part of cause of action has arisen in the territorial jurisdiction of this Bench of the Tribunal, we find that this Bench of the Tribunal has no jurisdiction to entertain this application. The learned counsel for the applicant has made a last request that a direction may ~~at least~~ be issued to the competent authority to consider the representation in a sympathetic manner. Since we are not admitting the application for the reason of lack of jurisdiction, it will not be proper for us to issue any direction in the matter. It is open for the applicant to make further representation or to seek appropriate remedy before the proper forum.

3. In the result the application is rejected under Section 19(3) of the Administrative Tribunals Act.

  
(A.V. HARIDASAN)  
JUDICIAL MEMBER

  
(S.P. MUKERJI)  
VICE CHAIRMAN

4.6.92

ks4692.