

**Central Administrative Tribunal
Lucknow Bench Lucknow**

Original Application No.527/2006
This, the 04th day of December 2007

HON'BLE MR. M. KANTHAIAH, MEMBER (J)

Dr. Anu Nigam, aged about 54 years, S/o Late Satya Prakash Nigam,
Resident of D-8, Bashiratganj, Rajendra Nagar, Lucknow.

Applicant.

By Advocate:- Shri R.K. Upadhayay.

Versus

1. Kendriya Vidyalaya Sangathan, 18, Institutional Area, Shahid Jeet Singh Marg, New Delhi through its Commissioner.
2. The Joint Commissioner (Administration), Kendriya Vidyalaya Sangathan, Lucknow Region, Sector-J, Aliganj, Lucknow.

...Respondent

By Advocate:- Shri Surendran P.

ORDER

BY MR. M. KANTHAIAH, MEMBER (J)

The applicant has filed the Original Application with a prayer to quash the operation of impugned rejection order Dt. 15.09.2006 under which the request of the applicant for his transfer from Kendriya Vidyalaya, Lonawala (Maharastra) to Lucknow was rejected and with a direction to accommodate him at Lucknow.

2. The respondents have opposed the claim of the applicant and also taken a preliminary objection that this OA is not maintainable on the ground that this Tribunal has no jurisdiction to entertain the same.
3. Heard both sides.



4. The point for consideration is whether the application is maintainable in this Tribunal or not.

5. Admittedly the applicant, while working at Kendriya Vidyalaya, Lonawala (Maharashtra), he made request for his transfer to Lucknow and sent representation to Respondent No.1 covered under Annexure-2 Dt. 16.06.2006 and Annexure-3 Dt. 17.06.2006. But the Respondent No. 1 rejected such request of the applicant and sent rejection order covered under Annexure-1 Dt. 15.09.2006 which is under challenge in this OA.

6. It is the main contention of the respondents that neither the applicant has been working at Lucknow nor respondent authority at Lucknow passed any orders against the representation of the applicant and as such this Tribunal has no jurisdiction to entertain the OA.

7. But the learned counsel for the applicant submits that the request of the applicant for his transfer is for Lucknow and as such this Tribunal got jurisdiction.

8. Admittedly when the applicant has not been working within the jurisdiction of Lucknow and none of the orders are passed by the respondent authorities of Lucknow jurisdiction entertaining this application in which impugned rejection order passed by Respondent No.1 is challenged is not at all maintainable within the jurisdiction of this Tribunal. Further mere request of the applicant for a particular station does not give right to attract jurisdiction of the said Tribunal. When either representations of the applicant or orders passed by Respondent No. 1 are not pertaining within the jurisdiction of this Tribunal as required under Section 19 (1) of Administrative Tribunal Act, 1985, this Tribunal has no jurisdiction to entertain the OA. Hence



the objection raised by the respondents is justified and thus this Tribunal has no jurisdiction to entertain this OA of the applicant and thus returned for submission in proper Tribunal. 30 days time is granted for resubmission from the date of order. No costs.


(M. KANTHAIAH)
MEMBER (J)

06-12-2007

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