

Central Administrative Tribunal, Lucknow Bench, Lucknow

ORIGINAL APPLICATION No.236/2009

This the 17th day of September, 2009

Hon'ble Ms. Sadhna Srivastava, Member (J)
Hon'ble Dr. A.K. Mishra, Member-A

Prem Chandra Dubey, aged about 52 years, S/O Sri Raja Ram Dubey, R/O 131, New Civil Lines, Avas Vikas Officer Colony, Lakhnupur, Kanpur. Presently posted as Chief Accounts Officer, (Telephone Revenue), Office of General Manager, Telecom, District Kanpur under the jurisdiction of Chief General Manager, B.N.N.L., Lucknow.

.....Applicant

By Advocate: Sri Anurag Shukla.

Versus

1. Union of India through Principal Secretary, Telecommunication, Govt. of India, New Delhi-1.
2. The Chief General Manager, Telecom, Hazratganj, Lucknow.
3. The Chairman & Managing Director, B.S.N.L., New Delhi.

.....Respondents

By Advocate: Shri G.S. Sikarwar for Respondent No. 2 and 3.
Shri Atul Dixit holding brief for Shri K.K. Shukla
for Respondent No.1.

ORDER

By Ms. Sadhna Srivastava, Member-J

This application has been filed for quashing of orders dt.15.6.2006, as contained in Annexure-1 and dated January 5th, 2009, issued by Ministry of Information and Technology, Department of Telecommunication, New Delhi regarding pension liability of BSNL towards pensionary benefits excepting



those recruited after 01.10.2000 (When BSNL came into existence).

2. The applicant is posted at Kanpur and impugned orders were passed at Delhi. Therefore, the preliminary objection is about the territorial jurisdiction of this Bench of the Tribunal. CAT (Procedure) Rules, 1987 lay down the place of filing the application. The relevant part of Rule-6 is laid down as follows:-

“[6. Place of filing application:- (1) An application shall ordinarily be filed by an applicant with the Registrar of the Bench within whose jurisdiction—
 (i). the applicant is posted for the time being, or
 (ii). The cause of action, wholly or in part, has arisen.”

3. On behalf of the applicant the case of **Nasiruddin Vs. State Transport Appellate Tribunal, AIR 1976 page-331**

has been cited, which deals with the question of jurisdiction of Lucknow Bench of High Court and Allahabad High Court. The same is governed by different provisions. The filing of an O.A. in the Tribunal is governed by CAT (Procedure) Rules, 1987. Therefore, we are of the opinion that while determining the maintainability of the OA on the point of jurisdiction, the said judgment is not applicable.

4. It is an admitted fact that the applicant is posted at Kanpur. The cause of action wholly or in part arose at Delhi where the impugned orders were passed. Therefore, *Prima-facie*, this bench of the Tribunal does not possess jurisdiction to adjudicate the controversy. Therefore, the applicant, if he so likes, has to avail ^{B of} _A his remedy before the bench having jurisdiction.

5. Registry will return ~~back~~ the application after retaining a copy of the same on record of this Tribunal, for presentation

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before the bench having jurisdiction to adjudicate the controversy. OA is accordingly disposed of without any order as to costs.

11/11/17/09/15
(Dr. A.K. Mishra)
Member-A

Sadhna Srivastava
(Sadhna Srivastava)
Member-J

Amit/-