

Central Administrative Tribunal Lucknow Bench Lucknow

O.A. No. 497/2007

Lucknow this, the 12th day of September 2008

Hon'ble Dr. A. K. Mishra, Member (A)

Jameel Shah,
Aged about 27 years
Son of Sri Rajab
Resident of Village Bhanwrpur Post Gahalo,
Tehsil Akbarpur, District Kanpur Dehat.

Applicant

(By Advocate Sri- Nitin Mathur)

Versus

1. Union of India
Through the Secretary for the Ministry of
Human Resources Development (Deptt. Of
Education) New Delhi.
2. The Deputy Commissioner,
Jawahar Navodaya Vidyalaya,
Lekhraj Market, 11th Floor,
Indira Nagar, Lucknow.
3. Jawahar Navodaya Vidyalaya,
Nagin Jalalpur, Kanpur Dehat,
Through its Principal.
4. Shailendro Singh, son of Sri Lalae Singh,
Resident of village and Post Birhun, District
Kanpur Dehat.

Respondents.

(By Advocate Sri Anurag Srivastava for Sri Anil Kumar)

Order

By Hon'ble Dr. A. K. Mishra, Member (A):

This application has been made with a prayer for quashing the verbal order of termination of the services of the applicant as a Chowkidar of Jawahar Navodaya Vidyalaya and for his reinstatement with consequential benefits.

2. The applicant was appointed by respondent No. 3 as a Chowkidar of Jawahar Navodaya Vidyalaya, Nagin, Jalalpur, Kanpur Dehat district



on 1.3.2005. Subsequently, he was transferred on 30.10.2006 to Khamila Jhijhat School. He has the qualification as well as the age for regular appointment as a chowikdar in Navodaya School. The respondent No. 3 made a requisition to the local employment exchange to sponsor the names of suitable candidates for appointment on the post of Chowkidar. The applicant's name was among the list of names sponsored by employment exchange. In spite of the fact that he had requisite educational qualification and the work experience since 1.3.2004 and was in the permissible age group, a fresh candidate (Respondent No. 4), in preference to him, was appointed in his place and his services were orally dispensed with. He made many representations to the opposite party No. 2 but did not get any relief. Hence the present application.

3. The counsel for the respondents raised a preliminary objection about the jurisdiction of this Bench in hearing the present application. Since, the applicant belongs to Kanpur, Dehat District and the institution where he was working also belongs to the same district, the appropriate Bench before whom the application should have been made was the Allahbad Bench of this Tribunal. It is also seen that the application is not directed against the Respondent No. 2 whose office is located at Lucknow. It is not the prayer of the applicant for a direction to the respondent No. 2 i.e. the Deputy Commissioner, Jawahar Navodaya Vidyalaya, Lekhranj Market, Lucknow to consider his representation. On the other hand, the prayer is for setting aside the order terminating his services and for his reinstatement at the place where he worked. Admittedly, Lucknow Bench does not have jurisdiction over Kanpur Dehat District.

4. At the time of hearing, the counsel for the applicant requested that liberty may be given to the applicant to file a fresh O.A. before the appropriate Bench.



5. The present application is dismissed on the ground of lack of jurisdiction of this Bench. At the same time, liberty is given to the applicant to file a fresh O.A. before the appropriate Bench.

6. The O.A. is disposed of accordingly with no costs.


(Dr. A. K. Mishra)
Member (A)

v.