

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA.

O.A. No 814 of 2005

Date of order : 10.08.2012

C O R A M

Hon'ble Mr. Naresh Gupta, Member [A]
 Hon'ble Mrs. Bidisha Banerjee, Member [J]

1. Anandi Prasad, S/o Shri Ramdhani Mahto, r/o At + P.O - Phuldhil, District - Nawada.

.....Applicant.

By Advocate : Shri A.N. Jha

Vs.

1. The Union of India through the General Manager, South Central Railway, Secunderabad, Andhra Pradesh.
2. The Railway Recruitment Board, South Lallaguda, Secunderabad, Andhra Pradesh.
3. The Divisional Railway Manager, South Central Railway, Guntakal,, Andhra Pradesh.
4. The Divisional Manager, Divisional Office, Personnel Branch, Guntakal,, Andhra Pradesh.
5. The Chief Personnel Officer, Headquarter Office, Personnel Branch, Secunderabad, Andhra Pradesh.

.....Respondents.

By Advocate : Shri R.N. Choudhary.

O R D E R

Naresh Gupta, M [A] - This OA has been filed by one Anandi Prasad challenging the denial of his appointment to the post of Diesel / Traction Assistant & seeking to quash the letter dated 03.10.2005 issued from the Headquarters office, Personnel Branch, Secunderabad whereby the applicant was informed that he could not be offered any alternative appointment consequent to medical unfitness [Annexure IX of OA], and issue of a direction to the respondents to appoint the applicant in an alternative job if it was considered that the applicant could not be permitted to join the original post on any legal or technical ground. The facts of the case are as follows:

2. In response to the notification by the RRB, Secunderabad for recruitment of Trainee Assistant Drivers [Category No. 01 of E.N. No. 01 / 2002], the applicant who is a Technical Diploma Holder and was working as

Supervisor in M/s Tripathi Electrical Engineering Works getting Rs. 6000/- per month as salary applied and appeared in the written examination held on 27.07.2003 and being successful, was called for Psychological Test in between 06.10.2003 to 01.11.2003 and was successful in that also. He was found fit in the Medical Test. He got a letter dated 01.04.2004 from RRB intimating him that his name had been recommended to the CPO, S.C. Railway, Secunderabad for offering the appointment provided he was otherwise suitable [Annexure A/1 of OA]. The applicant received an offer of appointment as Temporary Apprentice Diesel /Traction Assistant subject to passing the prescribed Medical examination in category AYE ONE vide letter dated 31.08.2004 [Annexure II of OA]. He reported at Guntakal on 27.09.2004 for verification of original certificates and his medical examination was done on 06.10.2004. He received an offer of appointment as Diesel / Traction Assistant from the Divisional Officer, Guntakal vide letter dated 16.11.2004 [Annexure IV of OA], and he was asked to report on 25.11.2004 for taking the appointment order. However, when he went there to collect the appointment order, he was informed that he was medically unfit. He then preferred a representation dated 22.12.2004 to the DRM, S.C. Railway, Guntakal [Annexure V of OA] and wrote to the G.M, S.C. Railway on 06.01.2005 [Annexure VI of OA] seeking alternative appointment if for any reason he was not found fit for the post applied for by him. He again wrote on 06.07.2005 to the G.M, S.C. Railway [Annexure VII of OA] and then took up the matter with the Director of Public Grievance, Cabinet Secretariat, New Delhi [Anneuxre VIII of OA]. However, he was informed vide letter dated 03.10.2005 from the Headquarters Office, Personnel Branch, Secunderabad that he was found medically unfit in category AYE ONE and as per instructions of the Railway Board in letter dated 04.09.2001, there was no provision to consider the candidates, selected for the post of Assistant Driver /ASM/ Moterman but not found fit at the requisite medical examination, for alternative appointment / job [Annexure IX of OA].

3. It is contended by the applicant that he had been offered appointment on completion of all formalities including his being found fit in medical test and he had left his previous [private] employment and was now left in lurch.

4. The respondents have not filed a reply but the learned counsel for the respondents vehemently opposed the OA being entertained, on the ground of jurisdiction. The applicant's address given is of Nawada which is situated within the jurisdiction of this Bench but the recruitment was taken up by the RRB, Secunderabad [in Andhra Pradesh], and thereafter, the processing was done by the S.C. Railway, Headquarters Office at Secunderabad and the Divisional Office, Guntakal [within S.C. Railway]. On 24.02.2012, the learned counsel of the applicant drew attention of this Court to the judgment of Full Bench of this Tribunal, Allahabad Bench in OA 458 of 1990 decided on 08.01.1991 wherein the question of jurisdiction was considered and citing various decisions of different Benches of the Central Administrative Tribunal and the Hon'ble Bombay High Court in the case of Damomal Kausomal Raisinghan, the Tribunal held that as the cause of action in part arose at a place where an adverse order was received, the Tribunal of that place will have the jurisdiction to adjudicate the dispute relating to it. A view was taken on above submission and the judgments produced by the learned counsel for the applicant that this Bench would have jurisdiction, but when the case came up on 29.03.2012 and 02.04.2012, the learned counsel for respondents submitted that this Tribunal does not have jurisdiction and in support of this view, he furnished copies of a number of judgments:

[1] Karnataka High Court in K. Balaji vs. ICF in W.P No. 39337 of 2002 [S-CAT] on 23.09.2003.

[2] CAT, Patna Bench in OA 264 of 2001 on 12.02.2007.

[3] CAT, Patna Bench in OA 412 of 2007 on 04.12.2007.

[4] CAT, Patna Bench in OA No. 151 of 2009 on 05.03.2009.

[5] CAT, Patna Bench in OA No. 213 of 2010 on 25.03.2010.

[6] CAT, Patna Bench in OA No. 640 of 2009 on 11.02.2010.

[7] CAT, Patna Bench in OA No. 491 of 2010 on 07.09.2010.

6. In OA No. 412 of 2007, vide order dated 04.12.2007, this Tribunal permitted the applicant to withdraw the OA when the learned counsel for the respondents raised an objection that this Bench had no jurisdiction over the matter.

7. In OA No. 151 of 2009 [order dated 05.03.2009], this Tribunal held that mere intimation under RTI or place of residence does not constitute the cause of action, and the OA was accordingly dismissed on the ground of territorial jurisdiction at the admission stage itself.

8. In OA No. 213 of 2010, this Tribunal held as follows:

"3. No cause of action, other than some internal departmental correspondence, copy of one of which only has been marked to the applicant on 27.10.2007 [Annexure A/6], has taken place in the jurisdiction of this Tribunal. Even the cause of action of not extending the life of the panel by the RRB/Rail Coach Factory, Kapurthala, Punjab, has arisen only in the jurisdiction of Chandigarh Bench of the CAT.

4. In the result, we do not find that this Bench has jurisdiction to entertain this application. The OA is dismissed at the admission stage itself. No order as to costs".

9. In OA No. 640 of 2009, this Tribunal vide order dated 11.02.2010 examined the question exhaustively and took the same view. Paras 15 - 17 of the order are extracted below:

" 15. In this case the entire selection process was held either at Chandigarh or in New Delhi i.e., outside Bihar. The letter cancelling the candidature of the applicant, of course, was received at Begusarai [Bihar]. But mere receipt of the order of cancellation is not a material fact for the applicant to prove in order to succeed in this OA. The whole process became complete outside Bihar. It was not necessary for the applicant to plead the service of communication for grant of appropriate relief.

16. In this connection, the case of State of Rajasthan vs. M/s Swaika Properties, AIR 1985 SC 1289, may also be referred to. In that case, the improvement Trust Jaipur [Rajasthan] wanted to acquire some land belonging to Swaika Properties of West Bengal at Rajasthan. The Special Officer, Town Planning, hence

issued a notice to the owner at Calcutta. The owner went to Jaipur time to time on the notice sent by the Special Officer to contest his defence against the acquisition. Ultimately, the notification regarding acquisition was issued in Rajasthan. The High Court at Calcutta entertained a writ filed by the owner of the land challenging the validity of the notification acquiring the land. the Hon'ble Supreme Court in appeal set aside the order of the High Court and held:

"The expression 'cause of action' is tersely defined in Mulla's Code of Civil Procedure:

The 'cause of action' means every fact which, if traversed, it would be necessary for the plaintiff to prove in order to support his right to a judgment of the Court"

In other words, it is bundle of facts which taken with the law applicable to them gives the plaintiff a right to relief against the defendant. The mere service of notice under S.52 [2] of the Act on the respondents at their registered office at 18-13 Brabourne Road, Calcutta i.e., within the territorial limits of the State of West Bengal, could not give rise to a cause of action within that territory unless the service of such notice was an integral part of the cause of action. the entire cause of action culminating in the acquisition of the land under S.52 [1] of the Act arose within the State of Rajasthan i.e., within the territorial jurisdiction of the Rajasthan High Court at the Jaipur Bench".

17. In view of this decision of the Hon'ble Supreme Court also only because the impugned order has been received by the applicant in Bihar, that would not confer on this Tribunal jurisdiction to entertain the OA because it is not an integral part of cause of action. In the case of K. Balaji vs. Integral Coach Factory, Chennai, ATJ 2004 [2] 136, the petitioner, a resident of Bangalore had applied for the post at Chennai. He was not found fit and his candidature was rejected. the communication of rejection was received at Bangalore. He filed an OA in Bangalore Bench of CAT. The OA was rejected in the absence of territorial jurisdiction. the petitioner moved the Hon'ble High Court Karnataka. The Division Bench of the Hon'ble Court referring to above decision of the Hon'ble Supreme Court and the decision of Dhanraj Mills [supra] and some other decisions held that no cause of action arose to the applicant of the case at Bangalore and his OA was rightly rejected by the Tribunal. In a recent case, Yogendra Das Bihangam vs. Union of India, CWJC No. 17085 of 2009, the Hon'ble Patna High Court has held that mere receipt of communication with regard to non-selection does not

constitute cause of action.

10. Again, in OA 491 of 2010, this Tribunal held vide order dated 07.09.2010 as follows:

" 2. learned counsel for the respondents at the out-set submitted that this OA is barred by territorial jurisdiction. His contention is that the entire selection process took place outside Bihar. He further submitted that besides this, the advertisement shows that all the legal issues arising out of the selection process would be decided by CAT, Bombay Bench. this, therefore, excludes the jurisdiction, if any, of this Tribunal.

3. It has already been concluded by the Division Bench of the Tribunal in OA 640 of 2009 vide order dated 11.02.2010 that when the entire process of recruitment has taken place outside Bihar, simply because order of cancellation of candidature or some correspondence to this effect were received in Bihar, that would not confer the territorial jurisdiction to this Tribunal.

4. While passing the said order, the judgment in the case of State of Rajasthan vs. M/s Swaika Properties, reported in AIR 1985 SC 1289, K. Balaji vs. Integral Coach Factory, Chennai, ATJ, 2004 [2] 136 [Karnataka High Court], Yogendra Das Bihangam vs. Union of India CWJC No. 17085 of 2009 , Patna High Court were relied upon by this Bench."

11. The Hon'ble Karnataka High Court in W.P No. 39337 of 2002 [SC-CAT] vide order dated 23.09.2003 held as follows:

" 4. The jurisdiction of High Court under Article 2226 bears no comparison. The matter is governed by Rule 6 of the Central Administrative Tribunal [Procedure] rules, 1987, in so far the Tribunal is concerned and the said rule is extracted below:

"6. Place of filing application:- [1] An application shall ordinarily be filed by an applicant with the Registrar of the Bench with whose jurisdiction-

[i] the applicant is posted for the time being, or
[ii] the cause of action, wholly or in part, has arisen;

Provided that with the leave of the Chairman the application may be filed with the Registrar of the Principal Bench and subject to the orders under Section 25, such application shall be heard and disposed of by the Bench which has jurisdiction over the matter.

[2] Notwithstanding any contained in sub-rule [1], persons

who have ceased to be in service by reason of retirement, dismissal or termination of service may at his option file an application with the Registrar of the Bench within whose jurisdiction such person is ordinarily residing at the time of filing of the application."

5. The following position is evident from Rule 6: [a] Where the relationship of employer and employee exists, an application can be filed by the employee wherever he is posted for the time being ; [b] If he has ceased to be in service, he will have the option to file the application before the Bench within whose jurisdiction he ordinarily resides; [c] But, if the person approaching the Tribunal is neither an employee nor an ex-employee of the respondent and the relationship of employer and employee has not come into existence at all, the matter is governed by the ordinary rule, and the application has to be filed before the Bench within whose jurisdiction, the cause of action wholly or in part has arisen.

6. Cause of action is the bundle of facts which taken with the law applicable to them gives the plaintiff a right to relief against the defendant/respondent. The following principles are well settled in regard to place of cause of action.

[a] the place where the defendant /respondent resides or carries on business is relevant for purpose of determining the cause of action. the place of residence or place of business of a plaintiff/petition is not relevant for determining the question as to where the cause of action arose, unless a part of the cause of action has arisen at that place- vide G.V. Narayanaswamy vs. Union of India [1998 [5] Kar.L.J. 279].

[b] A notification inviting applications for appointment, is only an invitation to offer. The application for appointment by the candidate is the offer. But, when an application for appointment is posted from the place of residence of the petitioner, it cannot be said that a part of cause of action arises in that place. The offer is considered to be made when it is communicated, that is the place where it is received. If it is made by post, the cause of action arises at the place where the offer is received and not at the place of dispatch of the offer. though an offer is part of the cause of action, the mere fact that the offer is posted at a particular place would not be a part of cause of action, as there would be no proposal till it comes to the knowledge of the

person to who the proposal is made - vide Ahmad Bux vs. Fazal Karim [AIR 1940 MAD 49] and Dhanraj Mills L.L. Co. vs. Narsingh Prasad [AIR 1949 PAT 270].

[c] Merely receiving a communication rejecting an application for employment at the place of residence of a candidate will not give rise to a cause of action at that place - vide State of Rajasthan and Others vs. M/s Swaika Properties and Anr [AIR 1985 SC 1289].

12. Again, this Tribunal in OA 264 of 2001 had occasion to consider the same issue, wherein vide order dated 12.02.2007, the Tribunal said as follows:

" 8. Learned counsel for the respondents also has relied upon a decision of the High Court of Judicature at Patna in CWJC No. 2132 of 1998 [order darter 09.04.1998]. In that case also a preliminary objection was raised about the maintainability of the writ petition on account of territorial jurisdiction. In that case the applicant was called for in connection with the written test for appointment to the post of Sub-Inspector of Railway Protection Force and after appearing in that, he also had appeared in physical test but was not called for interview. In such circumstances, he had come in the writ petition. It was pointed out in that case that the examination was conducted to Kolkata which was outside the jurisdiction of the Patna High Court and that the respondents were all outside the territorial jurisdiction of the Court. The applicants in that case had relied upon a decision of the same High Court in the case of Sunil Kumar Dwivedi vs. Union of India; 1996 [1] PLJR 460 in which case the appointment was made pursuant to the selection process which had taken place in Karnataka but, subsequently, the appointment of the petition was cancelled which order was communicated to the petitioner in Bihar. In CWJC No. 2132 of 1998 it was observed that since the cancellation of appointment also gave rise to cause of action and since the same was addressed to the petition in Bihar, the High Court in the case of Sunil Kumar Dwivedi had held that the writ petition was maintainable in the Patna High Court. Having so noticed his Lordship observed that in the instant case it was not the case of the petitioner that he was given any appointment letter which had been cancelled and sent to him in Bihar. It was observed

that therefore, no part of cause of action arose within the territorial jurisdiction of Patna High Court, also observing that mere sending of an admit card could not determine the territorial jurisdiction."

13. Thus, in the light of the aforesaid decision of various Courts including that of the Hon'ble Supreme Court, the learned counsel for the respondents submitted that the OA was not maintainable.

14. At the outset it may be mentioned that the question regarding jurisdiction of this Tribunal is governed by Rule 6 of CAT (Procedure) Rules, 1987 and the jurisdiction of High Court under Article 226 bears no comparison. The Hon'ble Karnataka High Court had dealt with the issue exhaustively in WP No. 39337 of 2002 vide order dated 23.09.2003 (supra). The same issue was considered at length by the Principal Bench of the Tribunal, New Delhi in Mukesh Kumar Meena vs Union of India in OA No. 2833 of 2010 (order dated 15th March, 2011) wherein the applicant had applied in response to the employment notice dated 1/2008 published by the Railway Recruitment Board (RRB) Secunderabad and was selected for the post of Junior Engineer Grade-II but in the medical examination, he was not found fit in A, B and B-1 categories but was found fit for B-2 and below medical categories. The grievance of the applicant is that he should have been given alternative appointment against any other post in view of the fact that he has been found fit for B-2 and below medical categories. The respondents raised an objection that the Tribunal had got no territorial jurisdiction to entertain the matter. For better appreciation, the relevant portion of the judgment is extracted below.

4. We have heard the applicant, who was present in person and the learned counsel for the respondents. We are of the view that the present OA is required to be dismissed on the ground that this Tribunal has got no territorial jurisdiction to entertain the matter. As already stated above, the selection process was initiated at the behest of the office of the General Manager, South-Central Railway, Secundrabad, Andhra Pradesh and the applicant was to be given appointment by the DRM/General Manager, South-Central

Railway, Secundrabad, Andhra Pradesh. Simply because the applicant is residing at New Delhi and his permanent address is of New Delhi will not confer jurisdiction upon this Tribunal in view of the provisions contained in Section 19 (1) of the Administrative Tribunals Act, 1985 read with Rule 6 of the Central Administrative Tribunal (Procedure) Rules, 1987. It may be relevant to submit here that the matter on this point was considered at length by the Jaipur Bench of this Tribunal in *Jitendra Kumar Mittal v. Union of India & Ors.*, 2006 (1) SLJ (CAT).

The Jaipur Bench has considered the scope of Article 226 of the Constitution of India read with Section 20 of the CPC and in the light of the provisions contained in Section 19 (1) of the Administrative Tribunals Act, 1985 and Rule 6 of the Central Administrative Tribunal (Procedure) Rules, 1987, the Bench after noticing the aforesaid relevant provisions in para-8 onwards has held as under:-

8. Now let me notice the relevant provisions of the Administrative Tribunals Act, 1985 and Rule 6 of the Central Administrative Tribunal (Procedure) Rules, 1987. Section 19(1) of the Administrative Tribunals Act reads as follows:

19. Applications to Tribunals.-(1) Subject to the other provisions of this Act a person aggrieved by any order pertaining to any matter within the jurisdiction of a Tribunal may make an application to the Tribunal for the redressal of his grievance.

Explanation- For the purpose of this sub-section order means an order made-

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- (a) by the Government or a local or other authority within the territory of India or under the control of the Government of India or by any corporation (or society) owned or controlled by the Government: or
- (b) by an officer, committee or other body or agency of the Government or a local or other authority or corporation (or society) referred to in clause (a)

(2) -----

Similarly, Rule 6 of the CAT (Procedure) Rules is in the following terms:

6. Place of filing applications. (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:

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Provided that with the leave of the Chairman the application may be filed with the Registrar of the Principal Bench and subject to the orders under Section 25, such application shall be heard and disposed of by the Bench which has jurisdiction over the matter.

(2) -----

According to Section 19(l) of the Administrative Tribunals Act, the aggrieved person can maintain an application before the Tribunal within whose jurisdiction the order is passed and is aggrieved of it. This section specifically does not provide that this Tribunal has jurisdiction regarding the order passed outside the State to entertain an application in terms of Section 19(j) of the Administrative Tribunals Act as is mandated under Article 226(2) of the Constitution of India. The place where the impugned order was passed should be within the jurisdiction of this Tribunal and normally the place of the order is the place where the respondent who passed the order, is situated or resides. Therefore, in my opinion, the order is being passed in Delhi, this Tribunal would not have any jurisdiction in view of the mandate of Section 19(l) of the Administrative Tribunals Act. On the contrary, as already stated above, the scope of Article 226 is wide enough and the Hon'ble High Court can exercise jurisdiction in relation to the territory within which the cause of action wholly or in part has arisen. For exercise of such powers ~~were~~ ^{the} residence of the person does not confer jurisdiction unless the cause of action or part of cause of action arose within the jurisdiction of the Tribunal, which is not the case before this Tribunal in view of clear mandate of Section 19 of the Administrative Tribunals Act. It is no doubt true that Rule 6 of the CAT (Procedure) Rules provides that the Tribunal would have jurisdiction even if part of cause of action has arisen. In other words there shall be action on the part of the authorities within the jurisdiction in pursuance of the order passed by the other authority situated outside the jurisdiction. In order to bring the case within the ambit of the aforesaid situation, only such cases are covered where for example, a person has been transferred from Station-A to Station-B and he was not allowed to join duty at Station-B. In that eventuality, the person aggrieved can file an application at both stations i.e. at Station-A and Station-B as the cause of action has arisen where the

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transfer order is passed and also where he was to join after transfer. Likewise, if any person who is working in different places and if the dispute relates to the grant of higher pay scale a part of cause of action to receive the higher pay scale is available to him in all the places and as such he could maintain an application before the Bench where he was working as part of cause of action arises at the place where he is working. However, in the case of the applicant simply because he is residing in Jaipur and he has sent an application for appointment to the appropriate authority at Delhi and he has also received the rejection letter passed by the Delhi authorities at Jaipur, therefore, part of cause of action arises at Jaipur cannot be accepted as this fact has no bearing with the lis or dispute involved in the case. Further, cause of action means that bundle of facts which person must prove, if traversed to entitle him to a judgement in his favour by the Court. Thus, receipt of the communication at best only gives the party right of action based on the cause of action arising out of the action complained of but certainly it will not constitute cause of action on the ~~pleas~~ that some events, however, trivial and unconnected with the cause of action had occurred within the jurisdiction of this Tribunal.

9. The view which has been taken by this Tribunal is no longer *res-integra* and is fully supported by various decisions of the Apex Court as well of the High Court, few of which are noticed here. In the case of *Union of India and Ors. v. Adani Exports Ltd. and Another*, AIR 2002 SC 126, the Apex Court has held that existence of the registered office of a Company within territorial jurisdiction of the Court does not *ipso facto* give a cause of action to that Court. It was further held that in order to confer jurisdiction on a High Court to entertain a writ petition, the High Court must be satisfied from the entire facts pleaded in support of the cause of action that those facts do constitute a cause so as to empower the Court to decide a dispute which has, at least in part, arisen within its jurisdiction. It was further held that facts which have no bearing with the lis or the dispute involved in the case, do not give rise to a cause of action. Further, the Full Bench of the Kerala High Court in the case of *Naik Nakul Deb Singh etc. v. Deputy Commandant (CISF Unit), Kottayam and Ors.*, 1999(6) SLR 381 has held that receipt of

communication by itself does not constitute cause of action. At the best receipt of the order or communication only gives the party right of action based on the cause of action arising out of the action complained of. When that action takes place outside the territorial jurisdiction of the High Court and an appeal therefrom is dismissed by an Appellate Authority located outside the jurisdiction of the High Court cause of action wholly arises outside the jurisdiction of the High Court and Article 226(2) of the Constitution cannot be involved to sustain a writ petition on the basis that part of cause of action has arisen within the jurisdiction of the Court, merely because the appellate order communicated and received while the petitioner was residing within the jurisdiction of the Court.

10. Moreover, in AIR 1985 SC 1289, *State of Rajasthan and Others v. M/s Swaika Properties and Another*, the Hon'ble Supreme Court has ruled that even for the purpose of exercise of jurisdiction under Article 226(2), mere service of notice does not give rise to part of cause of action unless the notice is an integral part of the impugned order. Accordingly, it was held that only because the petitioner in that case received notice under Section 52(2) of the Rajasthan Urban Improvement Act, 1959 at Calcutta, no cause of action or part of cause of action arose in Calcutta, since the acquisition was done in Rajasthan by passing the appropriate order and consequently the notified land vested with the Rajasthan Government. Thus, as per the law laid down in this case it is clear that neither the cause of action nor part of cause of action would arise to the applicant only because he received the impugned order passed in Delhi in Jaipur. Even the Hon'ble High Court of Karnataka in *Narayan Swamy G.V. v. Union of India and Others*, 1998(5) Kar. L.J. 279 held that mere residence of the person does not confer jurisdiction unless the cause of action or part of cause of action arose within the jurisdiction of the High Court. The Hon'ble High Court also referred to the judgment of the Supreme Court in JT 1994(5) SC 1, *Oil and Natural Gas Commission v Utpal Kumar Basu and Others* in which it was held that only because the respondent before the Supreme Court read advertisement at Calcutta and submitted the offer from Calcutta and made representations from Calcutta would not constitute facts forming an integral part of cause of action. The Hon'ble High

Court also took note of the observations of the Hon'ble Supreme Court made in Natural Gas Commission's case in Para 12 of the said judgment of the Supreme Court which reads as under: It must be remembered that the image and prestige of a Court depends on how the members of that institution conduct themselves. If an impression gains ground that even in case which fall outside the territorial jurisdiction of the Court, certain members of the Court would be willing to exercise jurisdiction on the plea that some event, however, trivial and unconnected with the cause of action had occurred within the jurisdiction of the said Court, litigants would seek to abuse the process by carrying the cause before such members giving rise to avoidable suspicion. That would lower the dignity of the institution and put the entire system to ridicule. We are greatly pained to say so but if we do not strongly deprecate the growing tendency we will, we are afraid, be failing in our duty to the institution and the system of administration of justice. We do hope that we will not have another occasion to deal with such a situation.

11. In view of the law laid down by the Hon'ble Supreme Court as well as by the Hon'ble High Court, the fact that applicant is residing at Jaipur and he has sent an application for appointment to the appropriate authority at Delhi and he has also received the rejection letter passed by the Delhi authorities at Jaipur, therefore, part of cause of action arises at Jaipur cannot be accepted as this fact has no bearing with the lis involved in the case. Further, cause of action means that bundle of facts which person must prove, if traversed to entitle him to a judgment in his favour by the Court. Thus receipt of the communication at best only gives the party right of action based on the cause of action on the plea that some events, however, trivial and unconnected with the cause of action had occurred within the jurisdiction of this Tribunal.

12. Therefore, in my considered opinion, this application is not maintainable. Accordingly, it is held that the application is not maintainable and Registry is hereby directed to return the same to the applicant for presentation to the appropriate forum by keeping a copy of the same. No costs.

5. Thus, in view of what has been stated above, this Tribunal has no territorial jurisdiction to entertain the matter, as the cause of action has arisen wholly or in part outside the territorial

jurisdiction of this Tribunal. Accordingly, the present OA is dismissed at this stage, without considering the matter on merit on the ground that this Tribunal has not got territorial jurisdiction to entertain the matter. It will be open to the applicant to present the OA before the appropriate forum and Registry is directed to keep one copy of the paper-book by returning other copies to the applicant.

15. Thus in view of the above legal position, it is held that the OA is not maintainable as this Tribunal has no territorial jurisdiction to entertain the matter. Accordingly, the OA is dismissed without considering the matter on merit. It will be open to the applicant to file the OA in the appropriate forum. No order as to costs.



[Bidisha Banerjee] M [J]

/cbs/



[Naresh Gupta] M [A]