

1. OA No.552/2005

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA

OA No.552 of 2005

Date of order : 17th April, 2007

C O R A M

Hon'ble Mr. Justice P.K.Sinha, Vice-Chairman
Hon'ble Mr. S.N.P.N.Sinha, Member[Admn.]

Mahesh Kumar Verma son of Shri Prabhu Chandra Verma resident of
Village – Sarbahdi, P.S. - Manpur, District - Nalanda

..... **Applicant**

Vrs.

1. Union of India through the General Manager [Personnel], W.L.D.
Varanasi North Eastern Railway.
2. Sr. Personnel Officer, D.L.W., Varanasi.
3. Chief Medical Director, D.L.W., Varanasi.
4. The Chairman Railway Recruitment Board, Allahabad.

..... **Respondents.**

Counsel for the applicant : Shri S.Kumar

Counsel for the respondents : Shri M.N.Parbat, ASC

O R D E R

Justice P.K.Sinha, Vice-Chairman :-

In response to employment notice issued by the Railway Recruitment

Board at Allahabad, the applicant had applied for the post of Stenographer [English], also mentioning that he was physically handicapped. The applicant appeared and qualified in the written examination whereafter he appeared in Shorthand Test and was selected whereafter final result was published and he was selected for the post. The selection order was subject to the medical fitness. The applicant appeared in the medical test but since he was handicapped in leg, he was not appointed. In the application, various grounds have been given as to why he should have been appointed.

2. The respondents appeared and, besides other points, also raised the point of want of jurisdiction of this Bench of the Tribunal on the ground that the tests as well medical examination were conducted at Allahabad in U.P. and the applicant having been found medically unfit, no rejection letter was issued to him, hence Allahabad Bench of the Tribunal had jurisdiction over the case.

3. When asked, the ld. counsel for the applicant admitted that he was not communicated at his address in Bihar any letter by the respondents rejecting his candidature on the ground of his being medically unfit.

4. We propose to take up this point first as this relates to the maintainability of this application.

5. The relevant portion of Rule 6 of CAT [Procedure] Rules provides as



follows :-

"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 :

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".

6. Therefore, the applicant could have filed the application in a Bench within whose jurisdiction the cause of action, wholly or in part, had arisen.

7. A Full Bench decision of the Allahabad Bench of the Tribunal in O.A. No. 458 of 1990 [Alok Kumar Singh & Another vs. Union of India & Ors.] disposed of on 8.1.1991, reported in Full Bench Judgment [CAT] Vol.3 has been distinguished in many cases relating to jurisdiction of a particular Bench of the Tribunal. The applicant in that case had applied to the Union Public Service Commission for appearing in Civil Services Examination, but on the ground of being over age, was not allowed to sit. This denial order was communicated to him by post at his home address in Uttar Pradesh and the order was, thus, challenged before Allahabad Bench of the Tribunal. The Full Bench of the Tribunal held that since the letter of



denial was received in Uttar Pradesh, a part of cause of action had arisen, therefore, within the territorial jurisdiction of Allahabad Bench of the Tribunal, hence that Bench had jurisdiction to decide the case. That order was followed by this Bench of the Tribunal in O.A. No.528 of 2004 [Bina Kumari vs. Union of India & Ors.].

8. However, this Bench of the Tribunal had considered the question of jurisdiction in O.A. No.242 of 1999, disposed of on 9.10.2000 in the case of Firoz Kumar Singh & Another vs. Union of India & Ors. On behalf of the applicants, wherein reliance was placed upon the order in the case of Alok Kumar Singh [Supra]. This Bench distinguished the case finding that in the case of Alok Kumar Singh, cause of action in part had arisen within the jurisdiction of Allahabad Bench of CAT, hence under Rule 6 of CAT [Procedure] Rules, Allahabad Bench had jurisdiction over the matter. But no such cause of action, even in part, had arisen in the case of Firoz Kr. Singh.

9. In CWJC No.2132 of 1998, disposed of on 9.4.1998, the question of jurisdiction arose. The applicant in that case was called for written test for the post of Sub Inspector of Railway Protection Force, whereafter, he had appeared in the physical test but was not called for interview. Then he had filed the writ petition aforesaid. A preliminary objection was raised that the examination was conducted at Kolkata which was beyond the



jurisdiction of Patna High Court and the applicant also resided beyond the territorial jurisdiction of the Hon'ble Court. The Hon'ble Court distinguishing the decision in another case of Sunil Kumar Dwivedi vs. Union of India; 1996 [1] PLJR 460, which later case was found maintainable by the Patna High Court as the order was communicated to the petitioner in Bihar, but in the case of C.W.J.C. No.2132 of 1998, no such order was communicated ^{at} any address in Bihar, hence no cause of action, wholly or in part, had arisen within the territorial jurisdiction of Patna High Court. It was also observed that mere receipt of an admit card would not grant territorial jurisdiction. The writ petition was held to be not maintainable.

10. Similar is the case here. Though the respondents have given, in their written statement, reasons as to why his candidature was rejected, but no such rejection letter was sent or received by the applicant at a place within the territorial jurisdiction of this Bench of the Tribunal.

11. Therefore, the cause of action in this case had arisen at a place which was within the territorial jurisdiction of Allahabad Bench of the Central Administrative Tribunal.

12. We, accordingly, find this case not maintainable on the ground of jurisdiction.

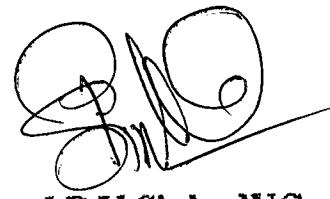


13. Accordingly, this application is dismissed.

14. We, however, observe here that it appears that the applicant had filed this case in this Tribunal in the year 2005 and was prosecuting the same in good faith. The applicant, therefore, if so advised, may seek his legal remedy in appropriate forum.

15. No costs.


[S.N.P.N.Sinha]M[A]


[P.K.Sinha]VC

mps.