

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.: 633/2000

Date of Decision : 4th Dec., 2000

G.Subramanian Applicant.

Shri S.V.Marne Advocate for the
Applicant.

VERSUS

Union of India & Ors. Respondents.

Shri R.R.Shetty for Advocate for the
Shri R.K.Shetty Respondents.

CORAM :

The Hon'ble Shri S.L.Jain, Member (J)

The Hon'ble Smt. Shanta Shastry, Member (A)

- (i) To be referred to the Reporter or not ? *yes*
- (ii) Whether it needs to be circulated to other *no*
Benches of the Tribunal ?
- (iii) Library *yes*

S.L.Jain
(S.L.JAIN)
MEMBER (J)

mrj*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

OA.NO.633/2000

Dated this the ^{December} 4th day of 2000.

CORAM : Hon'ble Shri S.L.Jain, Member (J)

Hon'ble Smt.Shanta Shastri, Member (A)

G.Subramanian,
Chargeman Grade I,
In the Heavy Alloy
Penetrator Project,
Tiruchirapalli.

...Applicant

By Advocate Shri S.V.Marne

V/S.

The Union of India
through The Chairman,
Ordnance Factory Board,
10-A, S.K. Bose Road,
Calcutta.

... Respondents

By Advocate Shri R.R.Shetty
for Shri R.K.Shetty

O R D E R

{Per : Shri S.L.Jain, Member (J)}

This is an application under Section 19 of the Administrative Tribunals Act, 1985 for a declaration that the applicant is entitled to promotion as Chargeman I/Assistant Storeholder w.e.f. 25.1.1984 and as Storeholder w.e.f. 25.10.1991 along with all consequential benefits, with a direction to the respondents to publish and produce the seniority list of Chargeman Grade II as per the directions of this Tribunal in OA.NO.151/91, pay arrears and other allowances as a result of promotion as Chargeman Grade I and Storeholder along with cost.

Signature - ..2/-

2. The applicant filed OA.NO.151/91 before the C.A.T., Mumbai Bench, Mumbai which was decided vide order dated 31.10.1995 with a direction to the respondents to fix the seniority of the applicant above Shri R.K.Chakraborty and to grant him further consideration for promotion. The applicant filed C.P.No. 81/97 which was decided by this Tribunal on 15.3.2000. The operative portion is as under :-

" In the present case, as stated earlier, the matter with regard to implementation of the Tribunal's order stood concluded with the issue of order dated 27.7.1997. The applicant in the present contempt application has made averments which are seriously contested by the respondents. If the applicant is aggrieved by the order dated 27.7.1997, he can agitate the matter as a fresh cause of action as per the law. Contempt Application for the same is not maintainable in view of the law laid down above by the Hon'ble Supreme Court."

3. The applicant claims that the order passed by this Tribunal in OA.NO.151/91 which was decided on 31.10.1995 has not been duly implemented vide order dated 25.7.1997. Hence, this OA. in view of the order in the Contempt Petition No. 81/97.

4. The respondents have challenged the jurisdiction of this Tribunal and also contested the question of limitation.

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..3/-

5. After hearing both the parties, we are of the considered view that the respondents have passed the order dated 25.7.1997 (Ex.'A-3') at Calcutta. The address of the applicant is as under :-

"G.Subramanian,
Working as
Chargeman Grade I,
In the Heavy Alloy
Penetrator Project,
Tiruchirapalli.

Residing at :
B-4, Type III Quarters,
HAPP Township,
Tiruchirapalli."

Thus the applicant resides at Tiruchirapalli and the order is passed at Calcutta.

6. On perusal of Rule 6 of CAT (Procedure Rules), 1987, 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.

There is an exception to the said provision which is to the effect 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. Thus, there are only two criteria for filing the application as stated above. In the present case, the applicant is not posted within the jurisdiction of this Tribunal nor the cause of action

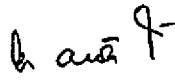
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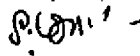
wholly or partly arises within the jurisdiction of this Tribunal. The jurisdiction of this Tribunal is confined in view of Notification :- States of Maharashtra & Goa and the Union Territories of Dadra & Nagar Haveli and Daman & Diu. Thus, the Tribunal has no jurisdiction to decide the subject matter in OA.

7. Merely on the basis of the fact that the applicant has filed OA.NO.151/91 before this Tribunal and contempt petition has also been decided regarding implementation of the order passed by this Tribunal in the same OA., the Tribunal acquires no jurisdiction. Specifically, when it is held that "if the applicant is aggrieved by the order dated 27.7.1997, he can agitate the matter as a fresh cause of action as per law".

8. In view of the fact that this Tribunal has no jurisdiction to decide the subject matter of the OA., it is not desirable to record any finding regarding limitation.

9. In the result, OA. is disposed of as the Tribunal lacks any jurisdiction to decide the subject matter of the OA. with no order as to costs.


(SMT.SHANTA SHASTRY)
MEMBER (A)


(S.L.JAIN)
MEMBER (J)

mrj.