

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
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Commercial Complex (BDA),
Indiranagar,
Bangalore - 560 038

Dated : 12-1-88

APPLICATION NO 1029 /86 (F)

W.P. NO _____

Applicant

Shri C.S. Raju

v/s The GM, South Central Railway, Secunderabad
& another

Respondents

To

1. Shri C.S. Raju
S/o Shri C.A. Shamachar
Santheput
Sira - 572 137
Tumkur District

2. Shri H.L. Sridhara Murthy
Advocate
36, 'Vagdevi'
Shankarapuram
Bangalore - 560 004

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/REPLY/
INTERIM ORDER passed by this Tribunal in the above said
application on 7-1-88.

R.V. Venkatesh
DEPUTY REGISTRAR
SECTION OFFICER
(JUDICIAL) 12/1/88

Encl : as above

RECEIVED

Diary No. 1618/02/88

From Date: 13-1-88 *Z*

dc.

CENTRAL ADMINISTRATIVE TRIBUNAL:BANGALORE

DATED THIS THE 7TH DAY OF JANUARY,1988.

PRESENT:

Hon'ble Mr.Justice K.S.Puttaswamy,

Vice-Chairman.

And:

Hon'ble Sri Srinivasan. P.

Member(A).

APPLICATION NUMBER 1029 OF 1987

C.S.Raju,
S/o C.A.Shamchar,
Aged about 28 years,
Santheput, Sira,
Tumkur District.

.. Applicant

(By Sri H.L.Sridhar Murthy,Advocate)

v.

- 1.The Central Railway
represented by its General Manager,
'Rail Nilayam',
Secunderabad.
- 2.Chief/Senior Personnel Officer,
Office of the General Manager,
South Central Railway,
'Rail Nilayam', Secundarabad. .. Respondents.

This application having come up for admission this day, Vice-Chairman made the following:

O R D E R

This is an application made by the applicant under Section 19 of the Administrative Tribunals Act,1985 ('the Act').

2. The applicant who is a resident of Sira town, Tumkur District applied for selection to the post of an Assistant Station Master (ASM) before the appropriate Selection Authority which selected him. On his selection as an ASM the Senior Personnel Officer, South Central Railway, Secunderabad (SPO) offered the applicant an appointment as an ASM on 30-9-1985 (Annexure-D) and in pursuance of the same, the applicant claims that he reported for duty at Secunderabad, but was not taken to duty. On a further representation made by him, the SPO by his Memo No.P(Trg.)563/Pro ASM/CSR dated 3-9-1987 (Annexure-F) had declined to appoint the applicant as an ASM. In

this application made on 24-11-1987 before this Bench, the applicant has challenged the order dated 3-9-1987 of the SPO and had sought for appropriate directions.

3. On an examination of the application, the office has raised two objections and they are (i) that this Bench has no jurisdiction to entertain this application and (2) the application was barred by time. We have perused the office objections and heard Shri H.L.-Sridharamurthy, learned counsel for the applicant.

4. Sri Murthy contends that a part of the cause of action in the case had arisen within the territorial jurisdiction of this Bench namely the State of Karnataka and, therefore, this Bench had jurisdiction to entertain this application and deal with the same on merits. In support of his contention Sri Murthy strongly relies on a Division Bench ruling of the Kerala High Court in UNION OF INDIA AND OTHERS v. KUNHABDULLA [1984(3)SLR (Vol.37) page 426].

5. As noticed earlier, the final order made with which the applicant is primarily aggrieved, has been made by an authority situated within the territorial jurisdiction of the Andhra Pradesh and not within the territorial jurisdiction of Karnataka over which State this Bench has jurisdiction.

6. When the case of the applicant is examined under Rule 6 of the Central Administrative Tribunal(Procedure)Rules,1987 ('Rules') the scope of which we have explained in D.P.ARYA AND ANOTHER v. GOVERNMENT OF INDIA AND OTHERS (A.NOs. 1628 of 1986 and 47 of 1987 decided on 31-8-1987) it is clear that this application had to be presented before the Hyderabad Bench of this Tribunal and not before this Bench.

7. We are of the view that the cause of action in the case had arisen within the jurisdiction of Hyderabad Bench and not within the territorial jurisdiction of this Bench. If that is so, then also



this application has to be presented only before the Hyderabad Bench and not before this Bench. We are of the view that the principles enunciated by the Kerala High Court in Kunabdulla's case does not really bear on the point.

8. On the foregoing discussion, we hold that this Bench has no jurisdiction to entertain this application. If that is so, then the question of our examining the other objections raised by the office does not arise. We, therefore, refrain from examining the other objection raised by the office.

9. On the foregoing discussion, we uphold the first objection raised by the office and direct the Registrar to return this application to the applicant, for its representation before the appropriate Bench.

Sd/-

VICE-CHAIRMAN
7/1/1968

Sd/-

MEMBER(A)

bsv/np.

- True Copy -



R. M. Mukundan
DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE