

ANNEXURE - I

Form of Index

List of papers in ORIGINAL APPLICATION 865/89

Sl. No. of papers.	Date of paper or Date of filing	Description of papers
	1.11.89	<u>PART-I</u> Original Judgement
	1.11.89	Original application and Material papers
		Counter
		Reply counter
	5/1/99	<u>PART-II</u> Copy of O.A. Copies of material papers.
	1.11.89	Copy of counter
	1.11.89	Copy of Reply counter.
	1.11.89	Copy of Judgement.
	1.11.89	<u>PART-III</u> Vakalatnama Memo Notice.

Part-II, and Part-III Destroyed.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

O.A./ T.A. NO. 865 1989

P. Ashaebetha

Applicant(s)

Versus

The Secretary, VAT Respondent(s)
& others.

Date	Office Note	Orders
1-11-89		O.A. dismissed at admission stage, without notice, vide order on separate sheet.

(B.N.S)
H.M.

(D.S.O.)
H.M.O.

P.T.O.

Notification No.13018/11/87-AIS(1) dated 19-12-1987 is ultra vires, and a further direction to declare letter No.88/E(GR)1/10/8 dated 4-1-1989 of the Joint Director, Estt. (GR) Ministry of Railways as unconstitutional. She also seeks a direction that she is entitled to appear at subsequent examinations for the Central Civil Services without resigning her appointment in the Indian Railways Accounts Service Group-A. By way of interim orders she prays for a direction to Respondents to grant her leave to enable her to appear for the examination which is to commence on 3-11-1989.

2. We have heard Shri P.Sesha Rao, the learned counsel for the applicant and Shri P.Venkatarama reddy, SC for Railways, for the respondent No.2 at the admission stage.

3. The facts of the case disclose that the applicant is presently a probationer in the Indian Railways Accounts Service- Group-A undergoing training at the National Academy of Direct Taxes Nagpur, Maharashtra State. She is seeking an interim direction for grant of leave to enable her to appear at the examination, which direction has obviously to be given to respondent No.3.

4. The question then arises for consideration is whether this Tribunal has jurisdiction to entertain this Application. Rule, 6 of the Central Administrative Tribunal (Procedure) Rules, 1988 reads as follows :

"Rule-6: Place of filing application:

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 :

(iii) the respondent or any of the respondents against whom relief is sought, ordinarily resides :

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 Sec.25 such application shall be heard and disposed of by the Bench which has jurisdiction over the matter.

(2) Notwithstanding anything 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."

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO.865/89

Date of Order : 1-11-1989.

Between

Pullela Ashalatha

....Applicant.

Versus

1. The Union of India, resp. by the Secretary, Min. of Personnel, Public Grievances & Pension, Dept. of Personnel & Training, New-Delhi.
2. Government of India, rep. by its Secretary, Min. of Railways (Railway Board), New Delhi.
3. The Director, National Academy of Direct Taxes, Nagpur.
4. The Union Public Service Commission, through its Secretary, New-Delhi.

....Respondents.

Appearance :

For the Applicant :

Mr.P.Sesha Rao, Advocate

For the Respondents 1, 3&4

Mr.P.Rama Krishna Raju, SR.CGSC

For the Respondent No.2

Mr.P.Venkatarama Reddy SC for Rlys.

CORAM :

The Hon'ble Mr.B.N.JAYA SIMHA, VICE-CHAIRMAN (A)

AND

The Hon'ble Mr.D.Surya Rao, Member (Judicial).

(Judgment of the Bench delivered by the Hon'ble Sri.B.N.Jaya Simha Vice-Chairman (A).)

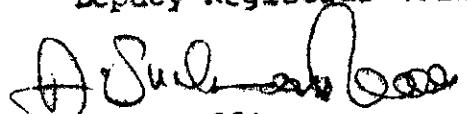
The applicant herein, qualified herself and was selected in the year 1987 to the Indian Railway Accounts Service-Group 'A'. She alleges in this application that she is entitled to appear again for any other ~~exam~~ Civil Services examination as per the Civil Services Examinations Rules, for other posts like IAS, IFS etc. and better her prospects. It is stated that by the Notification dated 19-12-1987 of the Ministry of Personnel, Public Grievances and Pensions, proviso to Rule 4 of the Civil Services Examinations Rules was amended. She is now denied the right to appear at the ensuing Civil Services examination conducted by the U.P.S.C. She has filed this Application seeking a declaration that the 2nd proviso to Rule 4 of the Civil Services Examinations Rules published by



Applicant is now posted at Nagpur which falls under the jurisdiction of the Central Administrative Tribunal, New Bombay Bench. Her application has, therefore, to be made before the New Bombay Bench of the Tribunal. The cause of action has also arisen consequent to order of the Department of Personnel and of the Railway Board, both at New Delhi, and they are outside the jurisdiction of this Tribunal at Hyderabad. The case of the applicant does not, therefore, fall within sub-rule (1) or sub-rule (2) of Rule 6 of the Central Administrative Tribunal (Procedure) Rules, 1983. In the circumstances, the O.A. is dismissed. No costs.

Sd/-G.VENKATA RAO
Deputy Registrar (Judl).

//True Copy//


Court Officer.

1. Secretary, Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training, New-Delhi.

2. The Secretary, Government of India, Ministry of Railways, (Railway Board) New-Delhi.

3. The Director, (National Academy of Direct Taxes, Nagpur.

4. The Secretary, Union Public Service Commission, New-Delhi.

5. One Copy to Mr.P.Sesha Rao, Advocate.

6. One Copy to Mr.P.Kama Krishna Raju, Sr.CGSC.

7. One Copy to Mr.P.Venkatarama Reddy, SC for Railways.

8. ~~One~~ Spare Copy.

Sliver
3/1/86 21

CAT/3/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 865/89 198
T.A. No.

DATE OF DECISION 1/11/89

Petitioner

Advocate for the Petitioner(s)

Versus

Respondent

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. R. N. Tagohinha, V.C.

The Hon'ble Mr. D. Surya Rao, M.P.

1. Whether Reporters of local papers may be allowed to see the Judgement? No
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. Whether it needs to be circulated to other Benches of the Tribunal? No

MGIPRRND-12 CAT/86-3-12-86-15,000

BVJ
(Q-23)
HVC

D
(Q-23)
HVC

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. No. 865/89

Date of the order: 1-11-1989

Between

Pullela Ashalatha

... Applicant

Versus

1. The Union of India, rep. by the Secretary, Min. of Personnel, Public Grievances & Pension, Dept. of Personnel & Training, New Delhi.
2. Government of India, rep. by its Secretary, Min. of Railways, (Railway Board), New Delhi.
3. The Director, National Academy of Direct Taxes, Nagpur.
4. The Union Public Service Commission through its Secretary, New Delhi.

... Respondents

Appearance:

For the Applicant: Mr. P. Sesha Rao, Advocate

For the Respondents 1, 3&4 Mr. P. Ramakrishna Raju, Sr. CGSC

For the Respondent No. 2 Mr. P. Venkatarama Reddy, SC for Rlys.

CORAM:

The Hon'ble B.N. Jayasimha, Vice-Chairman (A)
and
The Hon'ble D. Surya Rao, Member (Judicial)

(JUDGMENT OF THE BENCH DELIVERED BY THE HON'BLE
SRI B.N.JAYASIMHA, VICE-CHAIRMAN(A)).

The applicant herein, qualified herself and was selected in the year 1987 to the Indian Railway Accounts Service-Group 'A'. She alleges in this application that

b/s

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she is entitled to appear again for any other Civil Services examination as per the Civil Services Examinations Rules, for other posts like IAS, IFS, etc. and better her prospects. It is stated that by the Notification dated 19-12-1987 of the Ministry of Personnel, Public Grievances and Pensions, proviso to Rule 4 of the Civil Services Examinations Rules was amended. She is now denied the right to appear at the ensuing Civil Services examination conducted by the U.P.S.C. She has filed this Application Seeking a declaration that the 2nd proviso to Rule 4 of the Civil Services Examinations Rules published by notification No.13018/11/87/-AIS(1) dated 19-12-1987 is ultra vires, and a further direction to declare letter No.88/E(GR)1/10/8 dated 4-1-1989 of the Joint Director, Estt. (GR) Ministry of Railways, as unconstitutional. She also seeks a direction that she is entitled to appear at subsequent examinations for the Central Civil Services without resigning her appointment in the Indian Railways Accounts Service Group-A. By way of interim orders she prays for a direction to Respondents to grant her leave to enable her to appear for the examinations which is to commence on 3-11-1989.

2. We have heard Shri P.Sesha Rao, the learned counsel for the applicant and Shri.P.Venkatrama Reddy, SC for Railways, for the Respondent No. 2, at the admission stage.

3. The facts of the case disclose that the applicant is presently a probationer in the Indian Railways Accounts undergoing training at the Service-Group-A/National Academy of Direct Taxes, Nagpur, Maharashtra State. She is seeking an interim direction grant of for/leave to enable her to appear at the examination, which direction has obviously to be given to Respondent No.3

4. The question then arises for consideration is whether this Tribunal has jurisdiction to entertain this Application. Rule, 6 of the Central Administrative Tribunal (Procedure)

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Rules, 1988 reads as follows:

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or
- (ii) the cause of action, wholly or in part, has arisen;
- (iii) the respondent or any of the respondents against whom relief is sought, ordinarily resides:

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 Sec. 25 such application shall be heard and disposed of by the Bench which has jurisdiction over the matter.

(2) Notwithstanding anything 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".

The applicant is now posted at Nagpur which falls under the jurisdiction of the Central Administrative Tribunal, New Bombay Bench. Her application has, therefore, to be made before the New Bombay Bench of the Tribunal. The cause of action has also arisen consequent to order of the Department of Personnel and of the Railway Board, both at New Delhi, and they are outside the jurisdiction of this Tribunal at Hyderabad. The case of the applicant does not, therefore, fall within sub-rule (1) or sub-rule (2) of Rule 6 of the Central Administrative Tribunal (Procedure) Rules, 1988. In the circumstances, the O.A. is dismissed. No costs.

B.N.Jayasimha
(B.N.JAYASIMHA)
VICE-CHAIRMAN

D.Surya Rao
(D.SURYA RAO)
MEMBER (J)

Dated: 1st November, 1989.
Dictated in open Court.

VCR/

S. Venkateswaran
Deputy Registrar (J.P.I.C.)

30 Jan

Notification No.13018/11/87/-AIS(1) dated 19-12-1987 is ultra vires, and a further direction to declare letter No.88/E(GR)1/10/8 dated 4-1-1989 of the Joint Director, Estt. (GR) Ministry of Railways as unconstitutional. She also seeks a direction that she is entitled to appear at subsequent examinations for the Central Civil Services without resigning her appointment in the Indian Railways Accounts Service Group-A. By way of interim orders she prays for a direction to Respondents to grant her leave to enable her to appear for the examination which is to commence on 3-11-1989.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.L. NO. 865/9

Date of Order : 1-11-1989.

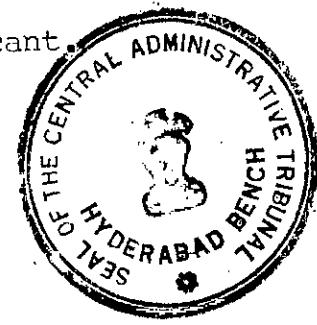
Between

Pullela Ashalatha

....Applicant.

Versus

1. The Union of India, resp. by the Secretary, Min. of Personnel, Public Grievances & Pension, Dept of Personnel & Training, New-Delhi.
2. Government of India, rep. by its Secretary, Min. of Railways (Railway Board), New Delhi.
3. The Director, National Academy of Direct Taxes, Nagpur.
4. The Union Public Service Commission, through its Secretary, New-Delhi.Respondents.



Appearance :

For the Applicant :

Mr. P. Sesha Rao, Advocate

For the Respondents 1, 3&4

Mr. P. Rama Krishna Raju, SR.CGSC

For the Respondent No. 2

Mr. P. Venkatarama Reddy SC for Rlys.

CORAM :

The Hon'ble Mr. B.N.JAYA SIMHA, VICE-CHAIRMAN (A)

AND

The Hon'ble Mr. D. Surya Rao, Member (Judicial).

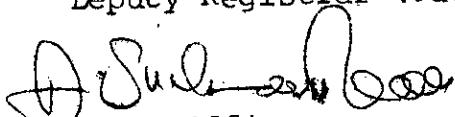
(Judgment of the Bench delivered by the Hon'ble Sri. B.N.Jaya Simha Vice-Chairman (A).)

The applicant herein, qualified herself and was selected in the year 1987 to the Indian Railway Accounts Service-Group 'A'. She alleges in this application that she is entitled to appear again for any other ~~exam~~ Civil Services examination as per the Civil Services Examinations Rules, for other posts like IAS, IFS etc. and better her prospects. It is stated that by the Notification dated 19-12-1987 of the Ministry of Personnel, Public Grievances and Pensions, proviso to Rule 4 of the Civil Services Examinations Rules was amended. She is now denied the right to appear at the ensuing Civil Services examination conducted by the U.P.S.C. She has filed this Application seeking a declaration that the 2nd proviso to Rule 4 of the Civil Services Examinations Rules published by

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Sd/-G.VENKATA RAO
Deputy Registrar (Jud1).

//True Copy//


Court Officer.

1. Secretary, Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training, New-Delhi.
2. The Secretary, Government of India, Ministry of Railways, (Railway Board) New-Delhi.
3. The Director, (National Academy of Direct Taxes, Nagpur.
4. The Secretary, Union Public Service Commission, New-Delhi.
5. One Copy to Mr.P.Sesha Rao, Advocate.
6. One Copy to Mr.P.Rama Krishna Raju, Dr.CGSC.
7. One Copy to Mr.P.Venkatarama Reddy, SC for Railways.
8. One Spare Copy.

DRAFT BY

CHECKING BY

D.R.

TYPED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH

HON'BLE MR. B. N. JAYASIMHA: V.C.
AND

HON'BLE MR. D. SURYARAO: MEMBER (J)

AND

HON'BLE MR. D. K. CHAKRAVORTY: M(AD.)

AND

HON'BLE MR. S. NARASIMHAMURTHY: M(J)

DATED : 1-11-89

~~ORDER/JUDGMENT~~

T.A. NO. / (W.P. No.) /

oO.A. No. 865/89.

Allowed

Dismissed

Disposed of

Ordered

No order as to costs.

PSR

