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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD.

* * *

O.A. 650/94.

Dt. of Decision : 8.6.94.

Jakkula Rama Venkata Prasad .. Applicant
Vs

1. Union of India rep. by
the Secretary, Ministry
of Personnel and Training,
New Delhi.
2. Union Public Service Commission,
rep. by its Secretary,
Dholpur House, New Delhi.
3. Union of India rep. by
Secretary, Ministry of Welfare,
New Delhi. .. Respondents.

Counsel for the Applicant : Mr. J. Sudheer

Counsel for the Respondents : Mr. N.R. Devaraj, Sr.CGSC.

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

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(Signature)

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OA.650/94

Interim Order

(As per Hon. Mr. Justice V. Neeladri Rao, V.C.)

Heard Sri J. Sudheer, learned counsel for the applicant and Sri N.R. Devaraj, learned Standing Counsel for the respondents.

2. This OA was filed praying for a declaration that the portion of the notification dated 1-1-1994 for Civil Services Examination, 1994 i.e. note regarding eligibility which debars other relaxation/concession such as relaxation of upper age limit, number of attempts, fee exemptions for OBCs as illegal, illogical, irrational, irregular, arbitrary, discriminatory and violative of Articles 14, 16(4) and 21 of the Constitution of India and for further declaration that the letter dated 28-4-94 issued by R-2 to the applicant as illegal, arbitrary, discriminatory, irregular and irrational and for consequential direction to the respondents to allow the applicant to appear for Civil Services Examination, '94 by holding that the applicant is entitled for relaxation/concession etc.

3. The applicant is now residing at Bangalore. He sent the application for Civil Services Examination, '94 from Bangalore. He pleads that he is a native of Akaveedu village, Gidalur Taluk, Prakasham District, AP and that he is an OBC as per the AP State list.

4. While it is urged for the applicant that he is an OBC, as his caste in AP State is declared as OBC, the cause of action arises in AP State, and accordingly this Tribunal is having territorial jurisdiction, it is

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contended for the respondents that as the applicant sent the application for the concerned examination from Bangalore and as even the reply dated 28-4-1994 which is challenged in this OA was also sent to the Bangalore address of the applicant and as the applicant is now residing in Bangalore, it is only Bangalore Bench of CAT which is having jurisdiction and this Bench is not having territorial jurisdiction.

5. Rule-6 of the Central Administrative Tribunals Procedure Rules, 1987, which is relevant reads as under :

6. 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 :

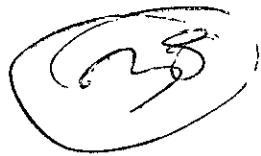
Provided that with the leave of the Chairman the application may be filed with the Registrar of the Principal Bench and subject to the orders under Section 25, such application shall be heard and disposed of by the Bench which has jurisdiction over the matter.

(2) Notwithstanding..... application."

6. On lateral reading of 6⁽ⁱ⁾ it is evident that it is applicable only in regard to those who are in service. The applicant is not in service. Hence, this case had to be considered in the light of Rule 6(1)(ii).

7. The question as to whether the applicant is OBC or not depends upon the State to which he belongs. In view of the prayer in this OA, the question as to whether the applicant is OBC or not is relevant. Hence it can be stated that part of the cause of action had arisen





in the AP State. Hence, we feel that this Bench is having territorial jurisdiction to entertain this OA even though the applicant is not residing in AP State now and he was not residing in AP State by the time he sent his application and even though the application is not sent from AP State.

8. Admit.

9. This applicant sent the application for Civil Service Examination, 1994 in time. The same was rejected on the ground that he crossed 28 years. In OA.592/94 we accepted the contention for the applicant that the candidates who intended to appear for Civil Services Examination were under the impression by virtue of the paper report in the Eenadu and the Deccan Chronicle that the order dated 8-2-1994 passed by this Bench in OA.131/94 is applicable to all the OBCs even though they have not approached the Tribunal/High Court. For the reasons stated therein, we feel that it is just and proper to pass the interim order even in this case.

The Preliminary Examination for Civil Services Examination, 1994 is scheduled to be held on 26-6-1994. Ofcourse, this is a case where the applicant approached this Tribunal about a month after he received the rejection letter dated 28-4-1994. As the lists of the candidates whose applications were found to be in order would be generally sent to the respective centres about a fortnight prior to the date of examination, we feel that there will be sufficient time for UPSC to include the name of the applicant in the list in case we are going to issue the interim order. So, it is not a case where the application has to be rejected on the grounds of laches.





10. The UPSC is directed to send the Hall-tickets to the applicant so as to enable him to appear for Civil Services ^{Preliminary} Examination, 1994 with Centre at Bangalore, but his results on the basis of performance in the above examination should not be declared until further orders of this Bench.

One
(R. Rangarajan)
Member(Admn.)

Neeladri
(V. Neeladri Rao)
Vice Chairman

Dated : June 8, 1994
Dictated in Open Court

Amrit
Deputy Registrar(J)CC

To

1. The Secretary, Union of India,
Ministry of Personnel and Training,
sk New Delhi.
2. The Secretary, U.P.S.C. Dholpur House,
New Delhi.
3. The Secretary, Ministry of Welfare,
Union of India, New Delhi.
4. ~~One copy to Mr. T. Sudheer, Advocate, CAT. Hyd.~~
5. One copy to Mr. N. R. Devraj, Sr. CGSC. CAT. Hyd.
6. One spare copy.

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TEMPED BY

8/6/94
C.J.T. To day
COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR.JUSTICE V.NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR.A.S.G.RTHI : MEMBER(A)

AND

THE HON'BLE MR.T.CHANDRASEKHAR REDDY
MEMBER(CUDL)

AND

THE HON'BLE MR.R.RANGARAJAN : MEMBER(A)

Dated: 8-6-1994.

ORDER/JUDGMENT:

Post
Post office
on 13/6/94
etc

M.A./R.A/C.A. No.

in

O.A.No.

650/94

T.A.No.

(W.P.)

Admitted and Interim Directions
Issued.

Allowed

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered.

No order as to costs.

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