

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
 AT HYDERABAD

**

C.A.599/99.Dt. of Decision : 28-04-99.

K.Srinivasulu

.. Applicant.

Vs

1. The Union of India, rep. by its Secretary to Government, Min.of Personnel, Public Grievance and Pensions, Dept. of Personnel & Training, North Block, New Delhi.
2. The State of A.P. rep. by its chief Secretary to Government, General Administration Department, Secretariat Buildings, Saifabad, Hyderabad-4.

.. Respondents.

Counsel for the applicant : Mr.N.Rama Mohana Rao

Counsel for the respondents : Mr.B.B.Sharma, Sr.CGSC.

Mr.V.V. Anil Kumar : set of Govt.

CORAM:-

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

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.)

J

..2/-

D

Q:

-2-

ORDER

ORAL ORDER (PER HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.))

Heard Mr.Siva for Mr.N.Rama Mohana Rao, learned counsel for the applicant and Mr.Jacob for Mr.B.N.Sharma, learned counsel for the respondents.

in this OA

2. The applicant is presently working as Assistant Collector and Assistant Magistrate, Nainital District, Nainital, U.P.State, ~~that means he~~ ^{state} is in the IAS cadre of Sikkim ~~batch~~ admission. When this OA was listed for hearing we asked the learned counsel for the applicant to check up whether this Tribunal has jurisdiction to entertain this OA. After considering the above question the learned counsel for the applicant submitted for the following reasons ~~that~~ this Tribunal has jurisdiction. His contentions are as follows:-

1) As per Rule-6 (8) of CAT (Procedure) Rules, 1987, which gives the place of filing of application, submits that the applicant is entitled to approach this Tribunal as he has applied for the post when he was in A.P. Hence in view of Rule-6(8) this Tribunal has got jurisdiction to dispose of his case.

2) In the previous OA i.e., OA.1285/95 was entertained by this Tribunal and this is a continuation of that direction given in that OA. ^{Parle} The applicant can approach this Tribunal for the relief:

3) The applicant for this case ~~relying~~ on the judgement of the CAT Hyderabad Bench decision reported in 1995 SLR 481 (Dr.A.V.R.Krishna Murthy Vs. UOI).

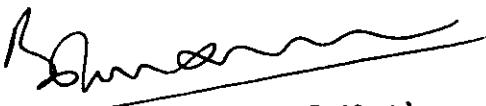
3. We have considered the above contentions. The Rule-6(8) of CAT (Procedure) Rules has no application in this case.

As the cause of action has not arisen in the jurisdiction in which the applicant is now placed. He has not been allotted ^{Cadre} in A.P. and he is now working in the Sikkim cadre. The question of deciding the issue ^{rests with} ~~rests with~~ that Tribunal which had jurisdiction over the place in which the applicant is now posted, and the decision ^{has also been} ~~has also been~~ taken by the department of personnel at New Delhi. Hence the first contention is rejected.

4. The second contention has got no relevance at all. At the time when the previous OA was filed the applicant was a resident of A.P. Hence his case was entertained. Just because that case was entertained it does not mean that this Tribunal will continue to have the jurisdiction to decide the ^{also} case of the applicant. It cannot be said that the present relief is a continuation of the direction given in the earlier OA. The case of the applicant was rejected for posting in A.P. Hence, he has to approach the appropriate authority of the Home Ministry at Delhi for getting relief. Hence, the question of entertaining this application by this Tribunal does not arise.

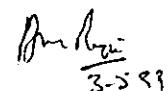
5. The case cited above by him is entirely different. In that case the applicant therein was posted in A.P. and hence his case was entertained.

6. In view of what is stated above this Tribunal has no jurisdiction to entertain the case. Hence, the Registry is directed to return the file to the applicant for filing his case at the appropriate Bench of the Tribunal.


 (B.S.JAI PARAMESHWAR)
 MEMBER (JUDL.)
 28/4/99


 (R. RANGARAJAN)
 MEMBER (ADMN.)

Dated : The 28th April 1999,
 (Dictated in the Open Court)


 3-5-99

COPY TO:-

1. HON. J.
2. HHRP M(A)
3. HOSJP M(J)
4. B.R. (A)
5. SPARE

State Counsel

1ST AND 2ND COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASIR :
VICE - CHAIRMAN

THE HON'BLE MR. H. RAJENDRA PRASAD :
MEMBER (A)

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

THE HON'BLE MR. B. S. JAI PARAMESWAR :
MEMBER (J)

DATED: 28.4.99

ORDER / JUDGEMENT.

MA / R. A. / C. P. NO.

IN

C.A. No. 599/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED.

C.P. CLOSED.

R.A. CLOSED.

DISPOSED OF WITH DIRECTIONS.

DISMISSED. Return *in file to*
the applicant.

DISMISSED AS WITHDRAWN.

ORDERED/REJECTED,

NO ORDER AS TO COSTS.

SRR

7 Cor

