

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL JAIPUR BENCH: JAIPUR.

O.A.NO. 270/98 (Defect)

Date of order: 15.5.98.

Ramdhani Bairwa S/o Shri Sohan Lal Bairwa, aged 48 years, resident of 79, Barkat Nagar, Jaipur, presently working as Assistant Director (Chemicals) Gr.I, Small Industries Service Institute, Govt. of India, Ministry of Industry, 36 B/c, Gandhi Nagar, Jammu (J&K)-180004.

: Applicant

Versus

Development Commissioner (Small Scale Industries), Government of India, Ministry of Industry, Nirman Bhawan, New Delhi - 110 011.

: Respondents.

Mr. K.C. Sharma, counsel for the applicant

CORAM:

HON'BLE SHRI PATAN PRAKASH, JUDICIAL MEMBER

O R D E R
(PER HON'BLE SHRI PATAN PRAKASH, MEMBER (JUDICIAL))

This matter has been placed before the bench on the basis of an objection raised with regard to the jurisdiction to consider the OA filed by Shri Ram Dhan Bairwa. The learned Counsel for the applicant Shri K.C. Sharma has been heard. It is urged by the learned counsel for the applicant that since the provisional seniority list dated 22.7.1996 (Annx.A/3) after its publication was communicated to the applicant at Jaipur in the year 1996 and he also made a representation while at Jaipur on the post of Assistant Director (Chemical), the cause of action arose at Jaipur and hence this Tribunal has jurisdiction to entertain this OA.

2. It is made out from the OA that the applicant is presently posted and working as Assistant Director (Chemicals) Gr.I in the Small Industries Service Institute, Government of India, Ministry of Industry, 36 B/c Gandhi Nagar, Jammu (J&K). Rule 6 of the CAT (Procedure) Rules, 1987 deals with place of filing applications which reads as under:-

"6. Place of filing applications.- (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 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."

On perusal of this provision it is borne out that an application shall ordinarily be filed by the applicant with the Registrar of the Bench within whose jurisdiction the applicant is posted for the time being or the cause of action wholly or in part has arisen.

3. From the perusal of the relief clause of the OA it is also made out that subsequent to the provisional seniority list, a final seniority list has been issued by the respondent department on 5th of August, 1997. At the time of issuance of this final seniority list, the applicant was posted at J & K, he having been posted there in January, 1997. In view of this, not only the applicant is presently posted at J & K, but the final cause of action in respect of his seniority has also arisen within the jurisdiction of J & K.

4. The learned counsel for the applicant has cited Prabhu Dayal Vs. State of Rajasthan, 1995 Lab.I.C. 94 (Raj.); Modern

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Food Industries India Limited, Ahmedabad and others Vs. M.D. Juverkar, 1989 Lab.I.C. 224 (Gujrat High Court), Dr. P.S. Rao Vs. Union of India, 1972 SLR 797 (Mysore High Court), Uma Sankar Vs. Union of India, 1982 SLR 724 (Calcutta High Court) as also Harshranjit Singh Vs. Board of Directors, Rashtriya Chemicals and Fertilizers Ltd., 1997 Lab.I.C. 629 (Andhra Pradesh High Court) and has tried to impress upon that since the cause of action has arisen at Jaipur as the provisional seniority list in respect of the applicant was issued in the year 1996 when he was posted at Jaipur, this Tribunal has jurisdiction to entertain and decide this OA.

5. As observed earlier and having found that the applicant being posted at Jammu & Kashmir presently also and that the final cause of action having arisen in August 1997 on issuance of final seniority list when too the applicant remained posted at Jammu & Kashmir, this OA has to be filed by the applicant before the appropriate bench of the Tribunal which has jurisdiction to try and entertain the cases relating to Jammu & Kashmir. The authorities cited by the learned counsel for the applicant being distinguishable on facts are of no assistance and need no detailed discussions.

6. The objection raised by the Registry is sustained. The OA be returned to the applicant after retaining its one copy for the record.



(RATAN PRAKASH)

JUDICIAL MEMBER