

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A No.381/99

Date of order: 27/8/99

1. S.C.Yadav, S/o S;hri K.L.Yadav, R/o Plot No.C-1/7 Ganpati Nagar, Jaipur presently posted as TTE in Western Railway, at present at Jaipur.
2. V.K.Tiwari, S/o Shri R.A.Tiwari, R/o 24-A, Shanti Nagar, Jaipur, presently posted as TTE, Western Railway, at present at Jaipur.
3. R.C.Tiwari, S/o Shri B.B.Tiwari, R/o Plot No.1, Badodia Basti, Jaipur, posted as TTE in Western Railway, at present at Jaipur.

...Applicants.

Vs.

1. Union of India through General Manager, Western Railway, Churchgate, Mumbai.
2. The Senior Deputy General Manager cum Chief Vigilance Officer, Western Railway, Churchgate, Mumbai.
3. Divisional Railway Manager, Western Railway, Jaipur.
4. Shri D.K.Gupta, Senior Deputy General Manager cum Chief Vigilance Officer, Western Railway, Churchgate, Mumbai.
5. The Senior Divisional Commercial Manager, Western Railway, Jaipur.

...Respondents.

Mr.R.N.Mathur/P.P.Mathur - Counsel for applicants.

Mr.Manish Bhandari - Counsel for respondents.

CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member.

PER HON'BLE MR.S.K.AGARWAL, JUDICIAL MEMBER.

Applicants filed this Original Application with a prayer to quash the impugned order of transfer dated 28.7.99 issued by the Western Railway Head-quarters, Mumbai and to direct the respondents not to relieve the applicants in pursuance of this order.

2. On show cause notice, the respondents filed the preliminary objections and laid emphasis mainly on the issue of jurisdiction. The objection of the respondents raised in this regard is that the impugned order of transfer dated 28.7.99 was issued by Western Railway Head-quarters, Mumbai and it was served upon the applicants at Mumbai. Thus no cause of action has arisen within the territorial jurisdiction of this Tribunal. Therefore, this Tribunal has no jurisdiction to entertain the present O.A. No replication has been filed to this preliminary objection.

3. Heard the learned counsel for the parties and also perused the whole record.

4. The learned counsel for the applicants has submitted that the applicants belong to Jaipur Division, therefore, cause of action has arisen at Jaipur and thus this Tribunal has jurisdiction to entertain this O.A. The learned counsel for the respondents objected this arguments and submitted that no cause of action has arisen within the territorial jurisdiction of this Tribunal as the impugned order of transfer was issued and served upon the applicants at Mumbai.

5. Rule 6 of Central Administrative Tribunal (Procedure) Rules provides for place of filing applications as under:

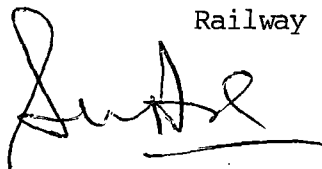
"(1) An application shall ordinarily be filed by an applicant with the Registrar of the Bench within whose jurisdiction -

(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 matters."

6. The impugned order dated 28.7.99 issued by the Western Railway Head-quarters Office, Mumbai, reads as under:



WESTERN RAILWAY

Headquarters Office
Churchgate
Mumbai-400020.

No.EC/838/4/20/5

Dt. 28.7.1999

(7)

DRM(E) BRC/JP

Sub: Promotion, Reversion and Transfer
of Class III Staff - JP Division.

The following Ticket Checking Staff of JP Division who were reported to HQ Office are hereby transferred and posted on BRC Division in the same scale and pay in the interest of Administration, with immediate effect.

	<u>Name</u>	<u>Design.</u>	<u>Scale (Rs)</u>
1.	S.C.Yadav	Head TTE	5000-8000 (RPS)
2.	V.K.Tiwari	Head TTE	5000-8000 (RPS)
3.	R.C.Tiwari	TNCR	4000-6000 (RPS)

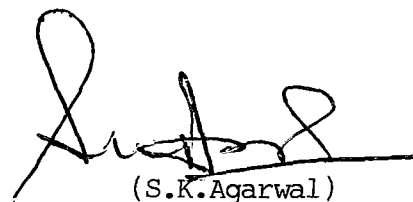
This has the approval of Competent Authority.

Sd/-
P.K.Joykutty
For General Manager(E)"

7. On a perusal of pleadings, it appears that the applicants were relieved from the Jaipur Office and joined at Mumbai Office in the month of June 1999. It also appears that the applicants have already been relieved to join at Barodra Division in pursuance of the impugned order of transfer dated 28.7.99. The impugned order was issued by Western Railway Head-quarters, Mumbai and the same was served upon the applicants at Mumbai. Therefore, no cause of action has arisen within the territorial jurisdiction of this Tribunal and the contention of the learned counsel for the applicants cannot be accepted as having no basis.

8. On the basis of above all I am of the considered view that this Tribunal has no territorial jurisdiction to entertain this O.A. I, therefore, dismiss this O.A as this Tribunal has no jurisdiction to entertain it. The applicants may approach the appropriate forum for redressal of their grievances if they so desire.

9. No order as to costs.


(S.K. Agarwal)

Judicial Member.