

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Date of decision: 25th March, 2004

OA No.267/2003

Pawan Bhatia s/o Shri Prem Narain Bhatia, aged 23
years r/o House No.230, Radhavilas, Patanpole,
Kota.

.. Applicant

Versus

1. Union of India through Secretary, Govt.
of India, Ministry of Defence, CGO
Complex, New Delhi.
2. Engineer in Chief through Chief of the
Army Staff, Army Headquarter, DHQ, PO,
New Delhi.
3. Chief Engineer, Central Command,
Locuknow.
4. Garrison Engineer, Military Engineering
Service, Jhansi.

.. Respondents

None present for the applicant

Mr. S.S.Hasan, counsel for the respondents

CORAM:

Hon'ble Mr. M.L.Chauhan, Member (Judl.)

O R D E R (ORAL)

The applicant is son of late Shri Prem
Narain Bhatia, working as Updder Divison Clerk
(UDC) in the office of Garrison Engineer,
Military Engieering Service, Jhansi who died in



service on 28.4.99 at Government MBS Hospital, Kota. It is stated that the applicant submitted an application dated 16.4.2001 for appointment on compassionate grounds. The application was rejected vide order dated 5th June, 2002 passed by the Chief Engineer (Ann.A1). It is against this order that the applicant has filed this OA thereby praying that the impugned order dated 5.6.2002 (Ann.A1) may be quashed and set-aside and direction be issued to the respondents to give appointment to the applicant on suitable post with all consequential benefits.

2. Notice of this application was issued to the respondents. The respondents while opposing the application on merits have also stated in the reply that as can be seen from Ann.A1, A4 and A5, the applicant is permanent resident of 29, Tilak Nagar, Mathura (UP). Further, the respondents who have been impleaded in this OA and against whose action the applicant is aggrieved are also in Lucknow and Jhansi. It is also stated that the applicant has received the impugned communication Ann.A1 at Utter Pradesh (UP) address and has been admitted by him in para 6 of the OA. As such, the OA is not maintainable on account of territorial jurisdiction of the Tribunal.

3. Despite repeated opportunities granted to the applicant, no rejoinder has been filed. None has put in appearance on behalf of the

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applicant today. ⁹ We have considered the matter.

3.1 As per Rule 6 (ii) of the Central Administrative Tribunal (Procedure) Rules, 1987, which is attracted in the instant case, an application shall ordinarily be filed by an applicant with the Registrar of the Bench within whose jurisdiction the cause of action, wholly or in part, has arisen. The applicant has made a vague statement in the OA that subject matter of the order against which he wants redressal is within the jurisdiction of this Tribunal without stating as to how the matter falls within the territorial jurisdiction of this Tribunal. Admittedly, the impugned order Ann.A1 whereby the case of the applicant for appointment on compassionate grounds was rejected was communicated to him vide letter dated 5.6.2002 at 29, Tilak Nagar, Mathura (U.P.). Further, the Death Certificate (Ann.A4) though issued by the Registrar (Birth and Death Registrar), Nagar Nigam Kota, indicate the permanent address of the deceased as 29, Tilak Nagar, Mathura. The applicant has also placed on record letter dated 20th September, 2002 written by Major, SO2 (Pers) for Chief Engineer and addressed to the Garrison Engineer, Mathura as Ann.A5. In this communication, the permanent address of the applicant has been shown as 29- Tilak Nagar, Mathur (UP). Similarly, Ann.A2 and Ann.A3 which are educational certificates of the applicant have also been issued by the respective Principal of the College situated at Mathura. Thus, all the

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documents annexed by the applicant with this OA viz. Ann.A1 to A5 conspicuously show that the applicant is resident of Mathura (UP). Further, none of the respondents who have been impleaded by the applicant in this OA resides within the jurisdiction of this Tribunal. As such I am of the view that this Tribunal has no jurisdiction to entertain this OA in view of the provisions contained in Rule 6(ii) of the Central Administrative Tribunal (Procedure) Rules, 1987. The applicant has failed to show as to how the cause of action either wholly or in part has arisen within the jurisdiction of this Tribunal. As such, the application is not maintainable and the Registry is directed to return the same to the applicant for presentation before the appropriate forum by keeping one copy of the same. No order as to costs.


(M.L. CHAUHAN)

Member (J)