

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,
JABALPUR

Original Application No. 491 of 2005

Indore this the 18th day of October 2005

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

K.K. Mitra & 3 Ors. Applicants

(By Advocate – Shri K. Shrotri)

Versus

Union of India & 5 Ors. Respondents

(By Advocate – Shri A.P. Khare)

ORDER

By Madan Mohan, Judicial Member –

By filing this Original Application the applicants have claimed the following main reliefs:

- “1. quash the order dated 23.4.2004 (Annexure A-1) as amended vide order dated 12.8.2004 (Annexure A-3) in so far as it is related to the applicants,
2. direct the respondents to produce the entire record pertaining to the posting of the applicants to Avadi before this Hon'ble Tribunal.”
2. Heard the learned counsel for both the parties.
3. It is argued on behalf of the respondents that in compliance with the order dated 23.4.2004 (Annexure A-1) the applicants have joined their duties on the transferred station i.e. Avadi in the month of April, 2004 and now they have filed this OA on 17th May, 2005 i.e. after about more than one year from the date of their joining at the transferred station. They are getting salary and other emoluments from the transferred station and not from Jabalpur. Hence, the impugned orders are already executed by the




applicants and now this Tribunal has no territorial jurisdiction to entertain this Original Application.


4. In reply the learned counsel for the applicants argued that the applicants can also agitate the matter before this Bench of the Tribunal because the impugned orders were passed at Jabalpur.

5. After hearing the learned counsel for both the parties and on careful perusal of the pleadings and records, we find that the preliminary objection advanced on behalf of the respondents is not denied by the applicants, rather they have accepted that they have joined their duties on the transferred station at Avadi in the month of April, 2004 and they have filed this OA on 17th May, 2005 i.e. after more than one year from the date of their joining at Avadi. We find that as the impugned orders are executed by the applicants, now, this Tribunal has no territorial jurisdiction to consider and decide this Original Application.

6. In view of the aforesaid position the Original Application is dismissed for want of territorial jurisdiction. However, the applicants are at liberty to seek the remedy from the appropriate court if they still feel aggrieved and so advised.

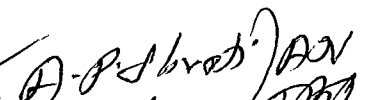
7. The Registry is directed to enclose a copy of memo of parties alongwith this order and also supply the copy of memo of parties to the concerned parties while issuing the certified copies of this order.


(Madan Mohan)
Judicial Member


(M.P. Singh)
Vice Chairman

"SA"

प्रमाणित प्रतियाँ जारी करने हेतु
जबलपुर, १७.०५.०५
(१) अध्यक्ष, न्यायाधीश, न्यायाधीश
(२) सदस्य, न्यायाधीश, न्यायाधीश
(३) न्यायाधीश, न्यायाधीश, न्यायाधीश
(४) न्यायाधीश, न्यायाधीश, न्यायाधीश
सूचना एवं संचार विभाग, न्यायाधीश


P. S. Shrivastava
P. S. Shrivastava


14.11.05