

CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH.

OA No. 350/2005.

Jaipur, this the 5th day of August, 2005.

CORAM : HON'BLE MR. M. L. Chauhan, Judicial Member.  
Hon'ble Mr. M. K. Misra, Administrative Member.

Rooplal Meena  
S/o Shri Battilal Meena,  
aged about 33 years,  
R/S Village Gothara,  
Tehsil Sapotra,  
District Karuli.

.... Applicant.

By Advocate : Shri Bipin Gupta.

Vs.

1. Union of India through  
General Manager,  
Southern Railway, Headquarter Office,  
Chennai.
2. Chief Personnel Officer,  
Southern Railway,  
Headquarter Office,  
Chennai.

... Respondents.

: ORDER (ORAL) :

The applicant has filed this OA thereby praying for the following reliefs :-

- (1) The respondents may be directed to give alternate employment to the applicant as per the circulars of the railway.
- (2) Any other relief which the Tribunal deems proper may also be passed in favour of the applicant."

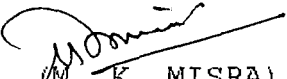
2. In this case the examination was conducted for the post of Apprentice Section Engineer which is not within the territorial jurisdiction of the Tribunal. The case of the applicant was considered by the Chennai Authorities and

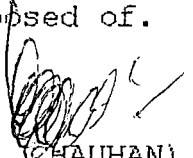
vide Annexure A/5, Headquarter Personnel Branch, Chennai, informed the applicant that he has been found medically unfit in A-3 Medical classification by Sr. DMO/HU/NGS/MAS for appointment to the post of App. SE/P/Way in the scale of Rs.6500-10500. Thereafter the applicant made a representation to General Manager, Headquarter office, Southern Railway, Chennai and also issued a legal notice to the General Manager, Southern Railway, Headquarter Office, Chennai and Chief Personnel Officer, Southern Railway, Head Office, Chennai. The applicant has impleaded both these authorities as Respondents. Thus, we are of the firm view that this Tribunal has got no jurisdiction to entertain the matter as none of the respondents resides within the territorial jurisdiction of this Tribunal. Further we are of the firm view that cause of action has wholly or partly arisen outside the territorial jurisdiction of this Tribunal. Simply because the applicant resides within the territorial jurisdiction of this Tribunal and he has received communication dated 30.3.2004 within the territorial jurisdiction of this Tribunal will not constitute a cause of entertaining this OA.

3. The matter on this point is no longer res integra. At this stage it will be useful to refer to the decision of the CAT Bangalore Bench in the case of K. Balaji vs. Integral Coach Factory, Chennai, 2002 (3) ATJ 438 where the Bench after relying the judgement of the Apex Court in the case of State of Rajasthan and others vs. M/s Swaika Properties and another, AIR 1985 SC 1289 and another decision of the Apex court in the case of Oil and Natural Gas Commission vs. Utpal Kumar Basu and others, (1994) 4 SCC, held that mere sending of an application from

Bangalore to Chennai for appointment and receiving the order from Chennai which are so trivial that they cannot be treated as part of cause of action and the application was held to be not maintainable.

4. Accordingly, this Tribunal has no jurisdiction to entertain the matter. Registry is directed to return the paper book to the Learned Counsel for the applicant by retaining one copy with them. The OA stands disposed of.

  
(M. K. MISRA)  
ADMINISTRATIVE MEMBER

  
(M. L. CHAUHAN)  
JUDICIAL MEMBER

P.C./