

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

DATE OF ORDER : 25.02.2005

ORIGINAL APPLICATION NO. _____/2005
(D-116/2005)

Bal Singh Shekhawat son of Shri Samrath Singh, age 42 years, Head Clerk Office of the Sr. Divisional Security Commissioner, Railway Protection Force Ahmedabad, resident of Plot No. 303, a.K. Gopalan Nagar, Khatipura Jaipur.

.....Applicant

versus

1. Union of India through the Director General, Railway Protection Force, Rail Bhawan, New Delhi.
2. The Senior Divisional Security Commissioner, Railway Protection Force, Western Railway, Mumbai Central, Mumbai.
3. The Chief Security Commissioner, Railway Protection Force, Western Railway, Churchgate, Mumbai.
4. The General Manager, Western Railway, Mumbai.
5. Divisional security Commissioner, Railway Protection force, Kalupur, Western Railway, Ahmedabad.
6. The Senior Divisional Financial Manager, Western Railway, Mumbai Central, Mumbai.
7. The Divisional Financial Manager, Western Railway, Ahmedabad.

....Respondents.

Mr. A.L. Verma, Counsel for the applicant.

CORAM:

Hon'ble Mr. V.K. Majotra, Vice Chairman
Hon'ble Mr. M.L. Chauhan, Member (Judicial)

ORDER (ORAL)

Heard the learned counsel for the applicant.

2 The applicant has sought seniority, increments, arrears of salary w.e.f. the date of his entitlement in compliance of the Tribunal's order dated 09.01.2004 (Annexure A/1). Admittedly the applicant is serving as a Head Clerk in the office of Sr. Divisional Security Commissioner, Railway

Protection Force, Ahmedabad. He is the resident of Plot No. 303, A.K. Gopalan Nagar, Khatipura, Jaipur and as such, he has filed the present OA at Jaipur. The learned counsel also stated that when the respondents did not implement the directions of this Tribunal made in Annexure A/1, the applicant had filed a Contempt Petition bearing No. 155/2002 which was disposed vide order dated 19.1.2005 (Annexure A/6) in which liberty was granted to the applicant to file separate OA. The learned counsel stated that in the order disposing of the Contempt Petition, the applicant had been given liberty to file OA, it is immaterial to state that now he is serving at Ahmedabad and is not ordinarily residing at Jaipur.

3 The contentions of the learned counsel for the applicant have been considered in terms of Section 25 of Administrative Tribunal Act, 1985 and Rule 6 of CAT (Procedure) Rules, 1987. Both of these reads as follows:-

“25 Power of Chairman to transfer cases from one Bench to another -On the application of any of the parties and after notice to the parties, and after hearing such of them as he may desire to be heard, or on his own motion without such notice, the Chairman may transfer any case pending before One Bench, for disposal, to any other Bench.”

“6. Place of filing application – (1) An application shall ordinarily be filed by an applicant with the Registrar of the Bench within whose jurisdiction -

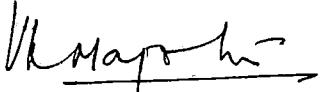
- (i) the applicant is posted for the time being, or
- (ii) the cause of action, wholly or in part has arisen:

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 serve by reason of recruitment, 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.”

applicant. It is observed that OA 155/2002 was entertained at Jaipur as the applicant at that time was not in regular service but had been dismissed and was stated to be staying at Jaipur. Even though the Contempt Proceedings were entertained at Jaipur for non implementation of the Tribunal's directions, now that the applicant has been reinstated and is serving at Ahmedabad and in terms of Rule 6 abid, this Bench has no jurisdiction over the matter and had ought to have been filed at Central Administrative Tribunal, Ahmedabad Bench. In case the applicant wants this OA to be heard at Jaipur Bench, he ought to have filed the OA first at Ahmedabad Bench and then sought transfer of the pending petition at Ahmedabad under Section 25 of the Administrative Tribunal's Act, 1985. It was also suggested that the applicant may withdraw this Petition and present the same at appropriate Bench. The learned counsel for the applicant has not agreed to this suggestion. As such, for the discussions made above and also the reasons stated above, this Petition is dismissed. However, the applicant will have liberty to take appropriate action as per law, provisions of ^{Administrative} OA 155/2002


(M.L. CHAUHAN)
MEMBER (J)


(V.K. MAJOTRA) 25.2.05
VICE CHAIRMAN

AHQ