

22.08.2008

OA No. 477/2006

Mr. Anand Sharma, Counsel for applicant.


Mr. Kunal Rawat, Sr. Standing Counsel for respondent No. 1.

Mr. M.P. Rastogi, } Counsel for respondents nos. 2 & 3.
K.N. Phuja }

Heard learned counsel for the parties.

For the reasons dictated separately, the OA is disposed of.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 22nd August, 2008

ORIGINATION APPLICATION NO. 477/2006

With

MISC. APPLICATION NO. 15/2008

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER

HON'BLE MR. B.L. KHATRI, ADMINISTRATIVE MEMBER

Vasudev Singh son of Shri Kunwar Singh aged about 35 years, resident of Gopalpura By Pass, Jaipur. At present posted as DGM (SCP), NE Task Force, Guwahati.

.....APPLICANT

(By Advocate: Mr. Anand Sharma)

VERSUS

1. Union of India through Secretary, Ministry of Communications, Department of Telecommunications, Government of India, Sanchar Bhawan, 20, Ashoka Road, New Delhi.
2. The Chairman & Managing Director, TCIL, TCIL Bhawan, Greater Kailash-I, New Delhi.
3. The Director (F), TCIL, TCIL Bhawan, Greater Kailash-I, New Delhi.

.....RESPONDENTS

By Advocates :

Mr. Kunal Rawat (Respondent No. 1)

Mr. M.P. Rastogi along with Mr. K.N. Ahuja (Respondent nos. 2 & 3)

ORDER (ORAL)

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

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"In view of the facts and grounds mentioned herein above, it is, therefore, prayed that this Original Application may kindly be allowed and relevant record may kindly be called and be perused, if this Hon'ble Tribunal so pleases and by way of issuing appropriate order/direction, respondents may kindly be directed to refund the aforesaid illegally recovered amount of Rs.1,04,246/- alongwith interest @ 12% per annum and the stand taken by the respondents TCIL in its reply dated 19.09.2006 as well as office order dated 18.12.2001 may kindly be declared illegal and may kindly be quashed and set aside."

2. The grievance of the applicant in this case is regarding the recovery being effected from him while he was on deputation during his posting at Oman under respondents nos. 2 & 3, who admittedly are not Central Govt. Department and in respect of which no notification under section 14(2) of the Administrative Tribunal's Act has been issued to confer jurisdiction in relation to service matter.

3. Notice of this application was given to the respondents. The respondents have filed reply. In the reply, the respondents have raised objection of jurisdiction on two counts namely (i) that the claim of the applicant pertains against respondents nos. 2 & 3, who are not Central Govt. Department and as such, this Tribunal has got no jurisdiction to entertain the matter in absence of there being no notification u/s 14(2) of the Administrative Tribunal's Act. (ii) Even if it is assumed that this Tribunal has got jurisdiction in respect of Respondent no. 2 & 3 still as per Rule 6 of the CAT (Procedure) Rules, 1987, this Tribunal has got no territorial jurisdiction to entertain the claim of the applicant.

4. We have given due consideration to the submission made by the learned counsel for the respondents. We are of the view that the objections raised by the respondents in their reply have to be accepted. Admittedly, respondents nos. 2 & 3 are Company registered under the Company's Act and not Central Govt. Department. Thus no such claim can be entertain by this Tribunal in terms of provisions contained in Section 14 of the Administrative Tribunal's Act so long as

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there is no notification issued by the Appropriate Govt. u/s 14(2) of the Act thereby ~~conferring~~ ^{conferring on} jurisdiction on this Tribunal. Even for argument sake, it is presumed that this Tribunal has got jurisdiction to entertain the matter even then the claim of the applicant cannot be entertained as per Rule 6 of the CAT (Procedure) Rules, 1987, which stipulates that the application shall ordinarily be filed by the 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. As can be seen from the memo of parties, the applicant neither resides within the territorial jurisdiction of this Tribunal nor has the cause of action arisen within the territorial jurisdiction of this Tribunal either wholly or in part. Further, as can be seen from the memo of parties, the respondents are also not residing within the territorial jurisdiction of this Tribunal. As already stated above, cause of action has arisen in Oman where the applicant was residing during his posting at Oman, recoveries were affected from him during his posting at Oman, Thus this Tribunal has no jurisdiction to entertain the claim of the applicant.

5. In view of what has been stated above, we are of the view that the present OA cannot be entertained. Accordingly, the Registry is directed to return the Paper Book to the applicant by keeping one copy of the same on record.

6. With these observations, the OA is disposed of with no order as to costs.

7. In view of the dismissal of OA, no order is required to be passed on MA No. 15/2008, which shall stand disposed of accordingly.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)