

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 6th day of August, 2008

ORIGINAL APPLICATION NO.331/2007

CORAM :

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER
HON'BLE MR.B.L.KHATRI, ADMINISITRATIVE MEMBER

Hemraj Meena
S/o Shri Prabhu Lal,
R/o Village Bhutyapura,
Post Inayati,
Tehsil Sapotara,
District Karauli.

... Applicant

(By Advocate : Shri Ishwar Tiwari, proxy counsel for
Shri Ganesh Meena)

Versus

1. Union of India through
Secretary to the Govt.,
Ministry of Railways,
New Delhi.
2. Railway Recruitment Board through
Secretary,
Divisional Office Compound,
Mumbai Central,
Mumbai.
3. Asstt.Secretary,
Railway Recruitment Board,
Divisional Office Compound,
Mumbai Central,
Mumbai.

... Respondents

(By Advocate : Shri Anupam Agarwal)

ORDER (ORAL)

PER HON'BLE MR.M.L.CHAUHAN

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

- "i) By an appropriate order or direction kindly declare the impugned order dated 17.8.2007 (Ann.A/1) and the action of respondents in canceling the candidature of the applicant for selection to the post of Ticket Collector (Cat. No.19) in pursuance to the Employment Notice No.1/03 as illegal, arbitrary, perverse and unconstitutional and same be quashed and set aside.
- ii) By an appropriate order or direction kindly direct the respondents to give appointment to the applicant on the Ticket Collector (Cat.No.19) in pursuance to the Employment Notice No.1/03 with all consequential benefits respondents be directed to forward the thumb impressions of the applicant marked on the documents to the expert for comparison."


2. Grievance of the applicant in this case is that he has been debarred from examination of all Railway Recruitment Boards vide impugned order dated 17.8.2007 (Ann.A/1).


3. The said order has been passed by the Assistant Secretary, Railway Recruitment Board, Mumbai i.e. respondent No.3. The Employment Notice for the purpose of selection to the post of Ticket Collector was also issued by the Railway Recruitment Board, Mumbai i.e. respondent No.2. The selection was also conducted by the Railway Recruitment Board, Mumbai. The applicant has impleaded Secretary, Government of India, Ministry of Railways, New Delhi, Railway Recruitment Board, Mumbai & Assistant Secretary, Railway Recruitment Board, Mumbai, as respondents No.1 to 3 respectively in this OA. Thus, according to us, the cause of action wholly or in part has arisen outside the territorial jurisdiction of this Tribunal. Simply because the applicant has received communication within the jurisdiction of this Tribunal will not afford cause of action in favour of the applicant to entertain this OA within the territorial jurisdiction of this Tribunal. The matter is also covered by the judgement rendered by this Tribunal in the case of **Jitendra Kumar Mittal v.**

Union of India & Ors., reported at 2006 (1) SLJ 393, whereby this Tribunal after considering the provisions of Section-19 of the Administrative Tribunals Act, 1985 as well as Rule-6 of the Central Administrative Tribunal (Procedure) Rules, 1987 as also considering the judgement of the Apex Court has held that sending of application and place of residence will not afford cause of action in favour of the applicant to entertain the OA within the territorial jurisdiction of this Tribunal.

4. Thus, in view of what has been stated above, we are of the firm view that the present OA cannot be entertained by this Bench of the Tribunal. The Registry is directed to return the paper book by keeping one copy of the same and it will be open for the applicant to present the same before appropriate forum.

5. With these observations, the OA stands disposed of with no order as to costs.


(B.L. KHATRI)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

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