

**THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET**

APPLICATION NO.: _____

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Applicant(s)

Respondent (s)

Advocate for Applicant (s)

Advocate for Respondent (s)

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

07.04.2008

OA 334/2007

Present : Mr. Shiv Kumar, counsel the applicant.

Mr. T.P.Sharma, counsel for the respondents.

Written statement as well as rejoinder thereto has been filed.
Pleadings are thus complete. Let the matter be placed before the
Hon'ble Bench for admission/hearing on 15.04.2008.

akv:


(GURMIT SINGH)
DEPUTY REGISTRAR

15.04.2008.

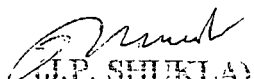
OA No. 334/2007

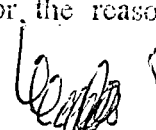
Mr. Shiv Kumar, Counsel for applicant.

Mr. T.P. Sharma, Counsel for respondents.

Heard learned counsel for the parties.

The OA is disposed of by a separate order for the reasons
dictated therein.


(J.P. SHUKLA)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

AHQ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH

Jaipur, this the 15th day of April, 2008

ORIGINATION APPLICATION NO. 334/2007

CORAM:

HON'BLE MR. M.L. CHAUHAN, JUDICIAL MEMBER
HON'BLE MR. J.P. SHUKLA, ADMINISTRATIVE MEMBER

Bharat Singh son of Shri Gopi aged about 47 years, resident of Village Thajla, Post Raarey, The. Kumer, District Bharat, Rajasthan. Last employed on the post of Gateman, Fatehpur Sikri in North Central Railway, Agra Division.

.....APPLICANT

(By Advocate: Mr. Shiv Kumar)

VERSUS

1. Union of India through General Manager, North Central Railway, Allahabad, U.P.
2. The Divisional Railway Manager, North Central Railway, Agra Division, Agra, U.P.
3. Shri P.K. Shakiya, Sr. Assistant Divisional Engineer, North Central Railway, Agra Division, Idgah Agra, U.P.
4. Permanent Way Inspector, North Central Railway, Agra Division, Idgah Agra, U.P.

.....RESPONDENTS

(By Advocate: Mr. T.P. Sharma)

ORDER (ORAL)

Applicant has filed this OA thereby praying for the following relief:-

- (i) That the verbal termination order dated 14.3.2007 from service of applicant may please be declared illegal, arbitrary and against the rules and the same may be quashed and applicant may please be reinstated with all consequential benefits.

- (ii) Any other order/direction/relief(s) may be passed in favour of the applicant, which may be deemed fit, just and proper under the facts and circumstances of this case.
- (iii) That the cost of this application may be awarded."

2. Notice of this application was given to the respondents. The respondents have filed their reply. In the reply, the respondents have raised the objection of jurisdiction of this Tribunal. According to them, the applicant was earlier working at Gate No. 39, which was under the jurisdiction of Fatehpur Sikri and new posting place is at Gang No. 9, which is also under the jurisdiction of Kirawli and the both places are under the jurisdiction of Agra Division, which do not fall under the jurisdiction of this Hon'ble Tribunal.

3. On merit, the respondents have stated that the applicant had been transferred from Railway Gate No. 39 to Gang No. 9 as per his own request but the applicant has not reported for duty at the new place of his posting at Gang No. 9. The respondents have also placed on record certain documents whereby opportunity has been given to the applicant to join at new place of posting. The respondents have categorically stated that the service of the applicant has not been terminated.

4. The applicant has filed rejoinder thereby reiterating the pleas taken by him in the OA.

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5. We have heard the learned counsel for the parties. We are of the view that in view of the specific stand taken by the respondents that the service of the applicant has not been terminated and he has been asked to join duty at the new place of posting, we are not inclined to go into the question of jurisdiction of this Tribunal. It will be open for the applicant to join at the new place of posting and disposal of this OA will not come in the way of the respondents to allow the applicant to join at the new place of posting. Learned counsel for the applicant submits that despite order issued by the respondents to join at the new place of posting, the applicant has not been permitted to join at the new place of posting. This contention of the learned counsel for the applicant cannot be accepted. Any-how in order to cut short the matter in controversy, it is directed that in case the applicant present himself before Respondent No. 3/ Respondent No. 4 along with this order within ten days from today, in that eventuality Respondent No.3/Respondent No. 4 shall permit the applicant to join at the new place of posting . However, it is clarified that we have not gone into the merit of this case and the aforesaid directions have been issued on the basis of the documents placed on record by the respondents whereby the applicant was asked to report for duty.

6. With these observations, the OA is disposed of.


(J.P. SHUKLA)
MEMBER (A)

AHQ


(M.L. CHAUHAN)
MEMBER (J)