

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDER SHEET

ORDERS OF THE TRIBUNAL

19.3.2008

OA 88/2008

Mr. Hridayesh Singh, counsel for applicant.

Heard learned counsel for the applicant. The OA stands disposed of, at admission stage itself, by a separate order.


(J.P. SHUKLA)
MEMBER (A)


(M.L. CHAUHAN)
MEMBER (J)

vk

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 19th day of March, 2008

ORIGINAL APPLICATION NO.88/2008

CORAM :

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

Virendra Singh Rajore,
S/o Shri Ghanshyam Singh Rajore,
R/o 344/27, Narsingh Pura,
Johens Ganj,
Ajmer.

... Applicant

(By Advocate : Shri Hridayesh Singh)

Versus

1. Union of India through
Director General,
Ordinance Factory Board,
Ayudh Bhawan,
10-A, Shaheed Kshudiram Bose Road,
Kolkata.
2. General Manager,
Ammunition Factory,
Khadki,
Pune.

... Respondents

(By Advocate : - - -)

ORDER (ORAL)

PER HON'BLE MR.M.L.CHAUHAN

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

"(a) That by an appropriate order or direction, direct the respondents to release the applicant immediately on paying the bond amount i.e. Rs.10000/-.

(b) That by an appropriate order or direction, impose heavy costs on the respondents for harassing the applicant in not releasing him as per his resignation and debarring him further studies and spoiling his one year of study."

2. The applicant has impleaded the Director General, Ordinance Factory Board, Ayudh Bhawan, Kolkata, and General Manager, Ammunition Factory, Pune, as respondents in this case. Though the applicant has tendered resignation from service but the same has not yet been accepted by the respondents. According to us, this Tribunal has got no territorial jurisdiction to entertain this matter in view of the provisions contained in Rule-6 of the Central Administrative Tribunal (Procedure) Rules, 1987.

3. At this stage, it will be useful to quote Rule-6 of the Central Administrative Tribunal (Procedure) Rules, 1987, which confers jurisdiction on the Tribunal and thus reads :

"[6. Place of filing applications - (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 service by reason of retirement, 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.]"

ll

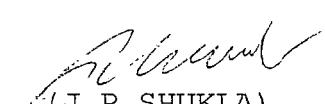
Thus, from the perusal of the aforesaid rule, it is evident that this matter shall be entertained by the bench where the applicant is posted for the time being or under whose jurisdiction the cause of action, wholly or in part, has arisen.

4. Admittedly, resignation of the applicant has not yet been accepted by the respondents. The applicant has tendered his resignation to respondent No.2 i.e. General Manager, Ammunition Factor, Pune. As such, the cause of action, wholly or in part, has not arisen within the jurisdiction of this Bench of the Tribunal. Thus, in view of the provisions contained in Rule-6 (ibid), this Tribunal has got no territorial jurisdiction to entertain this matter. Further, the matter on this point is no longer res-integra in view of the decision rendered by this Tribunal in the case of Jitendra Kumar Mittal v. Union of India and others, 2006 (1) SLJ 393, in which this Bench has considered the matter in depth regarding territorial jurisdiction vested with this Tribunal.

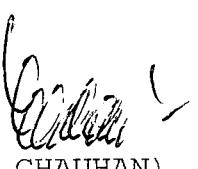
5. In view of the provisions contained in the Administrative Tribunals Act, 1985 as well as Central Administrative Tribunal (Procedure) Rules, 1987 vis-à-vis the powers conferred on the Hon'ble High Court under Article-226 of the Constitution of India, the ratio as laid down by this Tribunal in the case of Jitendra Kumar Mittal (supra) is also applicable in the facts and circumstances of this case.

6. Accordingly, the present OA is dismissed being not maintainable, as this Bench of the Tribunal has got no territorial jurisdiction to entertain this OA. Registry is directed to return the paper book to the applicant to present ~~the~~ same before the appropriate forum while retaining one copy of the same for record purposes.

7. With these observations, the OA stands disposed of, at admission stage itself, with no order as to costs.



(J.P.SHUKLA)
MEMBER (A)



(M.L.CHAUHAN)
MEMBER (J)

vk