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**CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR**

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**ORDER SHEET**

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**ORDERS OF THE TRIBUNAL**

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9.11.2009


OA 387/2008

Mr. Vijay Saini, proxy counsel for  
Mr. C.L. Saini, counsel for applicant.  
Mr. T.P. Sharma, counsel for respondents.

Although it is a no adjournment case but learned proxy counsel for the applicant submits that the original counsel is suffering from viral fever and prays for adjournment.

At his request, let the matter be listed on 18.11.2009. It is however made clear that no further adjournment will be granted.

  
(B.L. KHATRI)  
MEMBER (A)


  
(M.L. CHAUHAN)  
MEMBER (J)

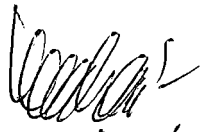
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18/11/2009 Mr. C.L. Saini, counsel for applicant.  
Mr. T.P. Sharma, counsel for respondents.

Heard learned counsel for  
the parties.  
For the reasons dictated  
separately, the OA stands dismissed.

  
(B.L. KHATRI)  
MEMBER (A)

  
(M.L. CHAUHAN)  
MEMBER (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH

Jaipur, this the 18<sup>th</sup> day of November, 2009

**ORIGINAL APPLICATION NO. 387/2009**

**CORAM:**

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

Chetan Prakash son of Shri Ramdev Kumawat, aged about 23 years, resident of C/o Moti Lal Kumawat, 62, Govind Nagar, behind DCM, Jaipur (Rajasthan).

.....APPLICANT

(By Advocate: Mr. C.L. Saini)

VERSUS

1. Union of India through General manager, Eastern Railway, West Bengal, Malda.
2. The Railway Recruitment Board, Malda, Kalibari Railway colony, Jhaljhalia, Malda, West Bengal through Assistant Secretary.

.....RESPONDENTS

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

**ORDER (ORAL)**

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


"It is most respectfully and humbly prayed that your Honour may kindly be pleased to accept and allow the OA and by an appropriate order or direction the order/ letter dated 28.7.2008 issued by the Assistant Secretary of Railway Recruitment Board (Annexure A/1) may kindly be ordered to be quashed and set aside. The respondents may kindly be directed to give appointment to the applicant on the post of Staff Nurse and they may be further directed to extend all consequential benefits in favour of the applicant like seniority etc.

Any other relief which this Hon'ble Tribunal deems fit may also be granted in favour of the applicant."



2. Briefly stated facts of the case are that Railway Recruitment Board, Malda, West Bengal issued an Employment Notice for direct recruitment on the post of Staff Nurse and pursuant to such advertisement, the applicant submitted his application alongwith requisite documents. Subsequently, the applicant appeared in the examination. It is the case of the applicant that vide letter dated 21.06.2008 (Annexure A/3), the respondents asked the applicant for verification of the documents/certificates at 09.00AM on 22.07.2008. However, subsequently the candidature of the applicant was cancelled on the ground that the name of the applicant does not tally with the name in the submitted documents during verification vide order dated 28.07.2008 (Annexure A/1). It is this order, which is challenged before this Tribunal.

2. Notice of this application was given to the respondents. The respondents have taken preliminary objection regarding the maintainability of this OA on the ground that the applicant has challenged the order dated 28.07.2008 (Annexure A/1) issued by the Railway Recruitment Board, Malda, West Bengal and also the Advertisement/ Employment Notice was issued by the RRB Malda, therefore, such matter falls under the purview of Central Administrative Tribunal at Kolkatta. Thus, according to the respondents, this Tribunal has got no jurisdiction regarding cancellation of the candidature of the applicant against the selection for recruitment to the post of Staff Nurse vide category No. 39 of the Employment Notice No. 1/2007.



3. The applicant has filed rejoinder. In the rejoinder, the applicant has stated that the order dated 28.07.2008 whereby the candidature of the applicant has been rejected was communicated to him at his residential address situated at Jaipur and the same is within the jurisdiction of this Hon'ble Tribunal. As such, this Tribunal has got jurisdiction to decide the matter. It is further stated that simply because advertisement was issued by the respondents at Kolkatta does not mean that CAT situated at Kolkatta is only having the jurisdiction.

4. Since the respondents have raised preliminary objection regarding maintainability of the OA, as such the said question is required to be considered at the first instance. .

5. We have heard the learned counsel for the parties and have gone through the material placed on record. From the facts, as stated above, it is evident that the applicant is aggrieved by the order dated 28.07.2008 passed by the Railway Recruitment Board, Malda, West Bengal. Admittedly as per provisions contained under Section 19(1) of the Administrative Tribunal's Act, 1985, a person aggrieved by any order pertaining to any matter within the jurisdiction of a Tribunal may make an application to the Tribunal for the redressal of his grievance. Admittedly, the impugned order has been passed outside the jurisdiction of this Tribunal. As such, in terms of provisions contained under Section 19(1) of the Administrative Tribunal's Act, it is the Kolkatta Bench of the Tribunal, which can entertain the matter pertaining to the impugned order dated 28.07.2008 (Annexure A/1).

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6. That part, even the applicant has impleaded Union of India through General Manager, Eastern Railway, West Bengal, Malda and Railway Recruitment Board, Malda, West Bengal as respondents nos. 1 & 2 respectively in this OA. Offices of both these authorities are situated outside the territorial jurisdiction of this Tribunal. Further in terms of provisions contained under Rule 6 of the CAT (Procedure) Rules, 1987, an application shall ordinarily be filed by an applicant with the Registrar of the Bench within whose jurisdiction the cause of action, wholly or in part, has arisen. The matter on this point was considered at length by this Tribunal in the case of **Jitendra Kumar Mittal vs. Union of India & Others**, 2006(1) SLJ 393 (CAT) whereby this Tribunal has considered the matter in the light of provisions contained under Section 19 of the Administrative Tribunal's Act read with Rule 6 of the CAT (Procedure) Rules, 1987 vis-à-vis provisions contained under Section 20 of the CPC and Article 226(2) of the Constitution of India and it was held that the power of Hon'ble High Court under Article 226 are much wider than the jurisdiction which has been conferred on the CAT under the aforesaid provisions. It was further held that mere receipt of communication does not constitute the cause of action. At the best receipt of order or communication only gives the party right of action based on the cause of action arising out of the action complained of. Such finding was recorded on the basis of the judgment of the **Naik Nakul Deb Singh etc. vs. Deputy Commandant (CISF Unit), Kottayam & Others**, 1999(6) SLR 381. Further in the case of Jitendra Kumar Mittal, this Tribunal has held as under:-



"11. In view of the law laid down by the Hon'ble Supreme Court as well as by the Hon'ble High court, the fact that applicant is residing at Jaipur and he has sent an application for appointment to the appropriate authority at Delhi and he has also received the rejection letter passed by the Delhi authorities at Jaipur, therefore, part of cause of action arises at Jaipur cannot be accepted at this fact has no bearing with the lis involved in the case. Further, cause of action means that bundle of facts which person must prove, if traversed to entitle him to a judgment in his favour by the Court. Thus receipt of the communication at best only gives the party right of action based on the cause of action arising out of the action complained of but certainly it will not constitute cause of action on the plea that some events, however, trivial and unconnected with the cause of action had occurred within the jurisdiction of this Tribunal."

7. The ratio as laid down by the Jaipur Bench in the case of Jitendra Kumar Mittal (supra) is fully applicable in the facts and circumstances of this case. Therefore, in our considered opinion, this application is not maintainable.

8. In view of what has been stated above, we are of the view that the present OA is not maintainable. The Registry is directed to return the Paper Book to the applicant for presentation to the appropriate forum by keeping a copy of the same. No costs.

  
(B.L. KHATRI)  
MEMBER (A)

  
(M.L. CHAUHAN)  
MEMBER (J)

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