

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



APPLICATION NO.: \_\_\_\_\_

Applicant(s)

Respondent (s)

Advocate for Applicant (s)

Advocate for Respondent (s)

NOTES OF THE REGISTRY	ORDERS OF THE TRIBUNAL
	<p><b><u>06.11.2009</u></b></p> <p><b><u>OA No. 488/2009 with MA 327/2009</u></b></p> <p>Mr. C.B. Sharma, Counsel for applicant.</p> <p>Heard learned counsel for the applicant.</p> <p>For the reasons dictated separately, the OA is disposed of.</p> <div><div> <b>(B.L. KHATRI)</b> <b>MEMBER(A)</b></div><div> <b>(M.L. CHAUHAN)</b> <b>MEMBER (J)</b></div></div> <p>AHQ</p>

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH

Jaipur, this the 06<sup>th</sup> day of November, 2009

**ORIGINAL APPLICATION NO. 488/2009**

**With**

**MISC. APPLICATION NO. 327/2009**

**CORAM:**

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

Sudhir Bhandari son of Subhraj Bhandari, aged about 47 years, resident of 22-2D, DIZ Area, BSNL Colony, Kali Bari Marg, New Delhi. At present employed as DGM(A), Office of CGM- Northern Telecom Region- New Delhi, Room No. 257, Office of CGM-NTR, Kidwai Bhawan, New Delhi.

.....APPLICANT

(By Advocate: Mr. C.B. Sharma)

VERSUS

1. Union of India through Secretary to the Government of India, Ministry of Communication & Info Technology, Department of Telecom, Room No. 915, Sanchar Bhawan, 20 Ashoka Road, New Delhi.

.....RESPONDENT

(By Advocate : -----)

**ORDER (ORAL)**

The applicant has filed this OA thereby praying for quashing the charge sheet dated 03.11.2004 (Annexure A/1), penalty order dated 11.06.2007 (Annexure A/2) and order of Review dated 21.02.2008 (Annexure A/3). All these orders have been passed by the Ministry of Communication & Information Technology, Department of Telecommunications, New Delhi, hence not within the territorial jurisdiction of this Tribunal.

2. The applicant has also impleaded Union of India through Secretary to Government of India, Ministry of Communication & Info Technology, Department of Telecom, New Delhi as respondent in this OA. Admittedly, <sup>by office of uo</sup> respondent no. 1 <sup>is situated in</sup> is outside the jurisdiction of this Tribunal. The applicant has pleaded that this Tribunal has got territorial jurisdiction to entertain the OA as copy of the inquiry report with dis-agreement note and penalty order dated 11.06.2007 was served upon the applicant when he was posted at Jaipur as General manager in Jaipur Telecom District. According to us, this fact will not confer territorial jurisdiction <sup>u</sup> of this Tribunal to entertain the matter. As can be seen from Section 19 of the Administrative Tribunal's Act, 1985, person aggrieved by any order pertaining to any matter within the jurisdiction of this Tribunal may make an application for redressal of his grievances.

3. In view of this specific provision contained in Section 19 of the Administrative Tribunal's Act, a person aggrieved by an order can file application within the territorial jurisdiction of the Tribunal where impugned order has been passed. As already stated, the impugned order has been passed outside the territorial jurisdiction of this Tribunal at Delhi. Thus in view of this specific provision under Section 19 of the Administrative Tribunal's Act, the present OA cannot be entertained. The matter has also been considered in the light of Rule 6 of CAT (Procedure) Rules, 1987, ~~inter alia~~, <sup>inter alia u</sup> which provides place of

filing applications and stipulates that 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. When the OA was presented by the applicant, the applicant was posted at Delhi i.e. outside the jurisdiction of this Tribunal. Thus in view of this specific provision as contained in the Administrative Tribunal's Act and the Procedure Rules, the present OA cannot be entertained. The matter on this point is no longer res-integra. The same has been considered by this Tribunal in the case of **Jitendra Kumar Mittal vs. Union of India**, 2006(1) CAT All India SLJ 393, whereby it was stipulated that service of the order at a particular place will not confer jurisdiction.

4. The submission made by the learned counsel for the applicant that the applicant was posted at Jaipur when the penalty order was passed and as such the matter can be entertained under provisions contained in Rule 6(1) (i) of the CAT (Procedure) Rules, 1987 cannot be accepted, in as much as the relevant date for the purpose of determining the posting of the applicant for the purpose of conferment of jurisdiction is the date when the application is presented before the Registrar. Had the applicant presented the OA before the Registrar of this Bench at the relevant time when penalty order was served while posted at Jaipur, in that eventuality, such an application could have been entertained in view of provisions

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6(1) (i) of the CAT (Procedure) Rules, 1987. Admittedly, as already stated above, the application has been presented by the applicant on 30.10.2009 when the applicant was posted at Delhi, as such as <sup>per in</sup> provisions of Rule 6(1) (i) of CAT (Procedure) Rules, 1987, The OA cannot be entertained by this Tribunal.

5. Thus in view of what has been stated above, we are of the view that this Tribunal has got no territorial jurisdiction to entertain the matter. Accordingly the Registrar is directed to return Paper book to the learned counsel for the applicant for presenting the same before the appropriate forum by retaining one copy of the same.

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

  
(B.L. KHATRI)  
MEMBER (A)

  
(M.L. CHAUHAN)  
MEMBER (J)

AHQ