

Central Administrative Tribunal
Principal Bench: New Delhi

OA No.883/2017

New Delhi, this the 6th day of April, 2018

Hon'ble Mr. Uday Kumar Varma, Member (A)

Lahori Ram (Aged about 74 years)
Group-C,
Retd. Sr. Sectional Engineer/Signal
Northern Railway Jalandhar City,
S/o Sh. Gurdas Ram
R/o House No.E-13/320, Aman Nagar,
Near Jalandhar Bypass,
Ludhiana (Punjab) ...Applicant
(By Advocate: Sh. S.P. Sethi)

Versus

Union of India through
1. General Manager,
Northern Railway, HQ
Baroda House,
New Delhi.
2. Dy. Chief Signal & Telecom Engineer (Works)
Northern Railway, Opp. Railway Health Unit,
Ludhiana (Punjab) ...Respondents
(By Advocate: Sh. Amit Sinha for Sh. R.N. Singh)

ORDER (Oral)

The applicant has filed the instant OA for setting aside the impugned order 15.12.2016 by the respondent no.2, located at Ludhiana, by virtue of which he has been denied the interest over the delayed payment of his retiral dues for the period from 01.06.2003 to July, 2016.

2. At the very outset, learned counsel for the respondents today raised a preliminary objection that this OA is not maintainable for want of territorial jurisdiction as the impugned order has been passed by the respondents at Ludhiana and even the applicant is also settled at Ludhiana. Learned counsel for the respondents further submits that if the applicant was desirous of this case to be heard and decided at the Principal Bench, he should have first exhausted the remedy of moving a Transfer Petition under Section 25 of Administrative Tribunals Act, 1985, which provides as under:-

“25. Power of Chairman to transfer cases from one Bench to another – On the application of any of the parties and after notice to the parties, and after hearing such of them as he may desire to be heard, or on his own motion without such notice, the Chairman may transfer any case pending before one Bench, for disposal, to any other Bench.”

3. Learned counsel for the respondents further submits that as the applicant has not availed the remedy enshrined under Section 25 of the Act *ibid*, the instant OA cannot be entertained and decided by the Principal Bench and, therefore, prays for dismissal of the OA at the threshold for want of jurisdiction.

4. However, the learned counsel for the applicant submits that in earlier point of time he had filed OA No.1134/2010, MA No.680/2012 in OA No.1134/2010 and

CP No.657/2015 in OA No.1134/2010, which all were entertained and decided by this Principal Bench and the respondents did not take such an objection of jurisdiction. Therefore, the contention of the applicant is that once his earlier cases have been entertained at the Principal Bench, the instant OA also deserves to be decided by the Principal Bench without considering the issue of jurisdiction.

5. Heard the learned counsel for the parties.

6. Before giving the factual matrix and considering the merits of the case, I deem it appropriate to deal with the issue of jurisdiction. Rule 6 of the Central Administrative Tribunal (Procedure) Rules, 1987 provides where the applications are to be filed. For the sake of convenience, Rule 6 of the Rules *ibid* is reproduced hereunder:-

“6. Place of filing applications. - (1) An application shall ordinarily be filed by an application with the Registrar of the Bench within whose jurisdiction. (i) the applicant is posed 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.”

7. It is amply clear from a perusal of the above rule that an application shall ordinarily be filed by an application with the Registrar of the Bench within whose jurisdiction the cause of action wholly or in part has arisen. Admittedly, the applicant is settled at Ludhiana and the order impugned in this OA has also been passed by the respondents at Ludhiana. Therefore, in accordance with Rule 6 of the Central Administrative Tribunal (Procedure) Rules, 1987, the applicant should have moved the OA before the Chandigarh Bench of this Tribunal.

8. However, as has already been noted above, if the applicant wishes to get the instant OA entertained and decided by the Principal Bench, he ought to have filed a Transfer Petition before the Chairman under Section 25 of the A.T. Act, which he has failed to do. The sole ground taken by the applicant that as his earlier applications have been decided by the Principal Bench itself, the instant OA also deserves to be decided by the Principal Bench is not acceptable because an omission on this issue in the past does not validate further omission thereafter. Hence, this argument of the applicant is rejected.

9. In view of the facts and circumstances of the case, I am of the considered opinion that under the rules, this OA should have been filed in the Chandigarh Bench of this

Tribunal. However, liberty is granted to the applicant to move a Transfer Petition under Section 25 of the Act and in eventuality of the said petition being allowed, he may move a Miscellaneous Application to revive the present OA. No costs.

(Uday Kumar Varma)
Member (A)

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