

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.4365/2015

Order Reserved on 01.12.2015
Order Pronounced on: 03.12.2015

Hon'ble Mr. Sudhir Kumar, Member (A)
Hon'ble Mr. Raj Vir Sharma, Member (J)

Narender,
Group 'D',
Aged 24 years,
S/o Shri Rajbir,
R/o Village and Post Office Kablana,
Jhajjar, Haryana

Presently At:-

D-4/59B, Kanwar Singh Nagar,
Nangloi, Delhi-110041. -Applicant

(By Advocate: Shri Ashish Nischal)

Versus

General Manager,
Through its General Manager,
Baroda House, New Delhi- 110001. -Respondent

O R D E R

Per Sudhir Kumar, Member (A):

The applicant of this OA had applied for appointment under the Railway Recruitment Cell, Northern Railway. He had been issued an Admit Card for provisional eligibility for written examination through Annexure A-2, to appear at the examination on 09.11.2014 at P.S. Khalsa National Senior Secondary School. Thereafter he appeared at the examination on 22.04.2015 at the Railway Stadium, near DRM Office, Ambala Cantt, Haryana, through the Admit Card issued to him as at Annexure A-3.

2. After he was provisionally selected, he was called for verification of documents and medical examination at Divisional Railway Manager's Office, Northern Railway, Moradabad (U.P.), on 31.07.2015, through Annexure A-4. He was issued a Medical Memo that day by the Medical Memo No. 32951-E/Recruitment dated 31.07.2015 (Annexure A-5), after his candidature and identifying marks had been certified by the Assistant Personnel Officer of Northern Railway Moradabad at Moradabad Station.

3. According to his own application at Annexure A-6, after he presented himself before the Chief Medical Superintendent at Moradabad, for the Medical Examination, on 01.08.2015, in which X-Ray and Urine test etc. were started, and some more health check-ups were remaining, at that time, while his medical tests were going on, he received a message from home that his mother had fallen ill, because of which he left the medical examination incomplete and rushed to his home. His mother later on expired about two months later on 08.10.2015.

4. Since he had not been able to get his health check up completed, the applicant again reached Moradabad, and discovered that his Medical Memo dated 31.07.2015 had in the meanwhile, been returned after marking him 'absent'.

5. When the matter was heard and paper book examined, it is seen that as per the endorsement of Dr. Shyam Sunder, Deputy Chief Medical Superintendent, Northern Railway, Moradabad, the applicant's Medical Memo No. 329541 dated 31.07.2015 had been returned, because his medical examination had remained incomplete. He had then represented through Annexure A-7 dated 09.11.2015 for his medical examination to

be re-started and completed, which the respondents have declined to do, and in the meanwhile, the results have been uploaded on the Northern Railway Recruitment Cell Website on 04.11.2015 through Annexure A-1, in which it has been shown that he was 'Absent', as he did not report for medical examination after documents verification, and his candidature has been rejected. Hence this O.A.

6. The learned counsel for the applicant desperately argued the case that since the impugned Annexure A-1 has been uploaded from the Railway Recruitment Cell, Northern Railway, situated at New Delhi, this Principal Bench of the Tribunal has the jurisdiction, because even the Annexure A-4 letter for verification of documents and medical examination had been issued from Delhi itself.

7. However, the law regarding cause of action giving rise to jurisdiction is very clear. In this case the cause of action has arisen to the applicant because he was in the middle of the process of his medical examination being conducted at Moradabad, when he had suddenly left, and gone to home, and if at all he has to once again get his medical examination completed, it would be at Moradabad only, as per the Medical Memo issued to him by the Assistant Personnel Officer, Northern Railway Moradabad on 31.07.2015 (Annexure A-5). Thus, the cause of action giving rise to the present O.A. had arisen at Moradabad in U.P., and not at Delhi by any stretch of imagination whatsoever.

8. Therefore, without expressing any opinion on the merits of the case, we are of the view that this Principal Bench of the Tribunal does not have jurisdiction to try the instant case, and that the applicant has

to approach the Allahabad Bench of this Tribunal for seeking the reliefs as prayed for in this OA. The present OA is, therefore, dismissed in *limine*, on the point of jurisdiction, without expressing any opinion on the merits of the case, with liberty to the applicant to file it before the appropriate Bench of this Tribunal.

Raj Vir Sharma
Member (J)

(Sudhir Kumar)
Member (A)

cc.