

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No.180/00379/2018
&
M.A No.180/00621/2018

Thursday, this the 5th day of July, 2018

CORAM:

Hon'ble Dr.K.B.Suresh, Judicial Member
Hon'ble Mr.E.K.Bharat Bhushan, Administrative Member

Jose T.Varghese
 Joint Director
 Directorate of Census Operations
 LD Tower, 3 Sharahpur Road
 Near Matha Wali Bagh
 Dehradun, Uttarakhand-268 001
 Residing at 64/151, Guru Road
 Patel Nagar, Dehradun – 268 001 **Applicant**

(By Advocate – Mr.Vishnu S Chempazhanthiyil)

V e r s u s

1. The Additional Secretary & Registrar General, India
 Office of the Registrar General, India
 2/A Mansingh Road, New Delhi- 110 011
2. Union of India, represented by the Secretary
 Ministry of Home Affairs, New Delhi – 110 001
3. Shri.P.P.Joy
 Deputy Director
 Directorate of Census Operations
 West Bengal – 700 106 **Respondents**

(By Advocate – Mr.Thomas Mathew Nellimoottil,Sr.PCGC (R1 &2))

This Original Application having been heard on 2.7.2018, the Tribunal on 05.07.2018 delivered the following:

O R D E R

By Hon'ble Mr.E.K.Bharat Bhushan, Administrative Member

The Original Application No.180/379/2018 is filed by Shri.Jose T.Varghese, Joint Director, Directorate of Census Operations, Dehradun, Uttarakhand against the failure on the part of respondent nos.1 and 2 to accommodate him in the

vacant post of Joint Director, DCO Kerala.

2. Applicant had approached this Tribunal by filing O.A 180/00227/2017 wherein by order dated 7.3.2018 this Tribunal had directed respondent no.1 to consider applicant's case for transfer to the vacant post of Joint Director in DCO Thiruvananthapuram. He had filed the said O.A while working as Deputy Director, DCO, Thiruvananthapuram and had claimed that on promotion, he may be retained in Kerala on spouse ground as well as for the reason that he had spent substantial number of years outside the State. It appears that respondent no.1, as per a decision of the Placement Committee dated 19.4.2018, minutes of which are available at Annexure A-7, has considered his request but posted respondent no.3 Deputy Director, DCO West Bengal on promotion as JDCO in DCO, Kerala. Applicant has filed a fresh Original Application which is considered here.

3. Shri.Vishnu S Chempazhanthiyil appeared for the applicant and Shri.Thomas Mathew Nellimoottil, Sr.PCGC on behalf of respondent nos.1&2.

4. The matter was heard on 2.7.2018 on the question of jurisdiction.

5. Applicant is seen to be working in the Directorate of Census Operations, Uttarakhand since July 2017. Applicant is pursuing his request for transfer to Trivandrum/Kerala DCO as a fresh case also citing the background of the earlier Original Application.

6. We have considered the case from the point of view of jurisdiction. Under Section 14 of the Administrative Tribunal's Act, the regional jurisdiction as per notification issued to that effect is relevant. Thus a government employee working in Uttarakhand and outside Kerala State and the Union Territory of Lakshadweep, clearly does not come under the jurisdiction of this Tribunal. Due

to this reason we decline to interfere in this case and reject the Original Application as lacking in jurisdiction.

7. The Original Application is dismissed as above. No costs.

8. In view of the above order, M.A 180/00621/2018 has become infructuous and accordingly, it is closed.

(E.K.Bharat Bhushan)
Administrative Member

(Dr.K.B.Suresh)
Judicial Member

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List of Annexures

Annexure A-1 - True copy of reply statement without Annexures filed by respondents 1 & 2

Annexure A-2 - True copy of the order dated 7.3.2018 in O.A No.180/00227/2017 of the Tribunal

Annexure A-3 - True copy of O.M No.F.No.A-22012/3/2017-Ad-III/262 dated 19.3.2018 issued by the 1st respondent

Annexure A-4 - True copy of the order No.A.32012/04/2017-Ad.III/343 dated 20.4.2018 issued by the 1st respondent

Annexure A-5 - True copy of the representation dated 23.4.2018 to the 1st respondent.

Annexure A-6 - True copy of the communication No.F.No.A-28011/2/2017-AD-III/349 dated 20.4.2018 issued by the 1st respondent

Annexure A-7 - True copy of minutes of the Placement Committee on 18.5.2018

Annexure A-8 - True copy of the representation dated 28.5.2018 submitted by the applicant to the Registrar General, India

Annexure A-9 - True copy of O.M No.F.No.28034/9/2009-Estt(A) dated 30.9.2009 issued by the Department of Personnel and Training, Government of India.

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