

CENTRAL ADMINISTRATIVE TRIBUNAL,
CHANDIGARH BENCH

O.A.NO.060/00126/2018

Orders pronounced :03.10.2018
(Orders reserved on: 27.09.2018)

CORAM: **HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MS. P. GOPINATH, MEMBER (A)**

1. Mohit, aged about 25 years, S/o Sh. Nand Kishor, R/o VPO Kharman Jhajjar (Haryana).
2. Shankar Pal, aged about 26 years, S/o Sh. Balu Ram, R/o VPO Puranabas, Tehsil Neem Ka Thana, District Sikar (Rajasthan)
3. Sunil Kumar Sain, aged about 29 years, S/o Sh. Ravinder Kumar Sain, R/o 24, Mohan Nagar, Nahargarh Road, Jaipur,
4. Satvir Singh, Aged about 27 years, S/o Sh. Laljeet Singh R/o Village, Jasmapur, Post Sakwai, Farrukhaad, District (U.P).
5. Anil Kumar, Aged about 27 years, S/o Sh. Norang Lal Sohu R/o Vill. Khedron Ki Dhani, Titunwar, Tehsil Udaipurwati, Jhunjhunu District, Rajasthan.
6. Narinder Kumar, aged about 30 years, S/o Sh. Vijay Kumar Saini, R/o H.No. 5056, Gali No. 01, New Adarsh Nagar, Kotkhalse, Amritsar (Punjab). `
7. Vinit, aged about 24 years, S/o Sh. Surender Kumar Sharma, R/o VPO Pilana, Dululpuna, Tehsil Kulanaur, District Rohtak (Haryana).
8. Rajeev Kumar, aged about 30 years, S/o Sh. Prem Singh, R/o Vill. Kohra, PO Sainthul, Tehsil Joginder Nagar, District Mandi (H.P).
9. Harish Chander, Aged about 31 years, S/o Sh. Dhani Ram, R/o Village Daiyia Backside of Gurudwara, PO Manimajra, District Chandigarh.

10. Dinesh Yadav, aged about 30 years, S/o Sh. Govind Yadav, R/o South Colony, Kukanthapaliy, PO + PS Andal, Budwan, West Bengal.
11. Jitender Singh Rawat, Aged about 26 years, S/o Sh. Jagat Singh Rawat R/o E-165, Gali No. 4, West Karawal Nagar, Delhi-90.
12. Sunil Singh Rawat (Aged about 28 years), S/o Sh. Mahipal Singh Rawat, R/o Prempur Mali Kaulagarh Dehradun, UK-248195.
13. Cheetan Giri, (Aged about 28 years), S/o Sh. Ram Lal Giri R/o Prateet Nagar, Raiwal Dehradun, UK-248195.
14. Pankaj Singh (Aged about 24 years) S/o Sh. Mohan Singh R/o V& Post Khori via Kadel Tehsil Pushkar, Distt. Ajmer Rajasthan 305021.
15. Pankaj Kumar, aged about 28 years, S/o Sh. Balwant Singh, R/o VPO Panaper, Kangra District, Himachal Pradesh, Pin-176064.

Applicants

By: **MR. AMAN MUDGAL, ADVOCATE.**

Versus

1. The Secretary, Ministry of Defence, South Block, New Delhi-110001.
2. The Chief Engineer (N.W), Kochi, P.O. Naval Base, Katri Bagh, Kochi-682004.
3. The Southern Command (Headquarter), Pune (Maharashtra).

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Respondents

By : **MR. V.K. ARYA, ADVOCATE.**

O R D E R (O R A L)
HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)

1. Fifteen applicants, who are resident of different states like Rajasthan, Haryana, U.P., Punjab, H.P. Chandigarh, West Bengal, Delhi and Dehradun, have filed this Original Application (O.A) in this Tribunal, pleading that in response to an advertisement issued in 2015, the applicants submitted their applications for the post of Chowkidar (Khansama), in the pay scale of Rs.5200-20200, GP Rs.1900/-. They qualified the selection and were called for document verification but at the time of declaration of final result on 13.12.2017 (Annexure A-1), all of them have been declared as ineligible for the post.

2. Initially, the applicants filed P.T. No. 100/299/2017 before the Hon'ble Chairman, Central Administrative Tribunal, Principal Bench, New Delhi, with a prayer to entertain the O.A. at Principal Bench, New Delhi, which was dismissed as withdrawn vide order dated 10.11.2017.

3. At the very outset, on the point of jurisdiction, learned counsel for the applicants argued that this Tribunal at Chandigarh, has jurisdiction over the issue in view of the order passed by Hon'ble Chairman disposing of the P.T. on 10.11.2017. This was resisted by learned counsel for the respondents.

4. On a consideration of the matter, we find that the order passed by Hon'ble Chairman is very clear, which is based on statement made by learned counsel for the applicants himself. The order reads as under :-

"Since most of the applicants in this PA re from Punjab & Haryana and some are from Rajasthan, learned counsel for the applicant submits that he has instructions make a statement that the OA filed under diary number 119/2018 be transferred to Chandigarh Bench of this Tribunal.

In view of the statement made by learned counsel for the applicant, the OA filed under aforesaid diary number is directed to be transferred to Chandigarh Bench.

Parties to appear before Chandigarh on 31.01.2018. Record of the OA be transmitted to Chandigarh Bench immediately".

5 . A perusal of order reproduced above, makes it very clear that it was on the statement of learned counsel for the applicants, on an assumption that this Tribunal at Chandigarh has jurisdiction over the issue, that the Hon'ble Chairman, ordered transfer of this case to this Tribunal and there was no determination of the issue, as to whether this Bench has the jurisdiction over the issue over the case filed by the applicants, belonging to the different states.

6. At this stage, learned counsel for the applicants placed reliance on P.T. No. 107/2011 in O.A. No. 1135/2011 title **A.P. MISHRA & OTHERS VS. UNION OF INDIA & OTHERS**, decided on 29.7.2011 in which it was held by Hon'ble Chairman that it was not appropriate for Railways, in that case, to raise the issue of jurisdiction, as matter was pending adjudication before various Benches of Tribunal and SLP too was also pending before Hon'ble Apex Court. It was held that it would be convenient for the applicants to pursue their remedy in Delhi or elsewhere, the Railways cannot be judge in such a cause. It was for the applicants to see where it is more convenient for them to pursue their remedy. The decision apparently, does not help the applicants, at all. That P.T. was allowed by Hon'ble Chairman and the applicants, on their own, cannot decide about jurisdiction over the issue before this Bench of the Tribunal, more so when applicants of 9 states are involved.

7. In the wake of above discussion, this O.A. is not maintainable before this Tribunal, being barred by jurisdiction. It is

dismissed accordingly, leaving the applicants liberty to approach the competent court of law, for redressal of their grievance.

(SANJEEV KAUSHIK)
MEMBER (J)

(P. GOPINATH)
MEMBER (A)

Place: Chandigarh.
Dated: 03.10.2018

HC*

