

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
CIRCUIT SITTINGS:GWALIOR

Original Application No.202/00462/2018

Gwalior, this Tuesday, the 23rd day of October, 2018

HON'BLE SHRI R. RAMANUJAM, ADMINISTRATIVE MEMBER
HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER

Om Kumar Kashyap, S/o Shri Ram Saran Age 44 years,
Occupation Technician Grade-1 R/o CE-163, Near Sahu Atta
Chakki D.D. Nagar Bhind Road, Gwalior (M.P.) 474005 (Mobile
No.9406986994) **-Applicant**

(By Advocate –**Shri Alok Kumar Sharma**)

V e r s u s

1. Union of India, Through the General Manager/Personnel, North Central Railway, G-Block Mandakini, Subedarganj Allahabad (U.P.) 211015
2. The Chief Personnel Officer, North Central Railway, G-Block Mandakini, Subedarganj Allahabad (U.P.) 211015
3. The Chief Works Manager, Rail Spring Karkhana Sithouli Gwalior M.P.
4. Shri Ranjeev Kumar, SWI, C/o the General Manager, N.C. Rly., North Central Railway, G-Block Mandakini, Subedarganj Allahabad (U.P.) 211015
5. Shri Ajay Kumar Sinha, SWI C/o the General Manager, N.C.Rly., North Central Railway, G-Block Mandakini, Subedarganj Allahabad (U.P.) 211015
6. Shri Prabhat Kumar, SWI, C/o the General Manager, N.C.Rly. North Central Railways, G-Block Mandakini, Subedarganj Allahabad (U.P.) 211015 **- Respondents**

ORDER (ORAL)

By R. Ramanujam, AM:-

Heard. The applicant has filed this O.A. seeking the following reliefs:-

“8.1 That, impugned orders selecting and posting the S&WI contained in Annexure A-1 and A-2 may kindly be declared illegal and the same may kindly be quashed.

8.2 That, a direction may kindly be given to the respondents to include the name of applicant in the select list and also grant the applicant promotion to the post of S&WI will all consequential benefits from the date of promotion of other selected candidates vide Annexure A-1 i.e. 01.03.2017.

8.3 Any other suitable relief which this Hon'ble Tribunal deem fit and proper in the circumstances of the case may also be given to the applicant along with cost of this O.A.”

2. It is submitted that the applicant was working with the Organization in the office of respondent No.3 since 23.07.1998 as Technician Grade-III. As per notification dated 02.07.2014(Annexure A/4) issued by respondent No.2 for filling up vacancies of the posts of Staff and Welfare Inspector, the applicant whose name appeared in the list of eligible candidates issued by respondent No.3 for total 12 vacancies in the General Category participated in the written examination held on 21.03.2015, the final results of which were declared on 01.03.2017. The applicant was not selected while the final merit list included the respondents No.4, 5 and 6 who were allegedly junior to him. The information

obtained by the applicant under the Right to Information Act did not reveal the manner in which the private respondents came to be selected overlooking the claim of the applicant. The applicant submitted Annexure A/11 representation dated 06.10.2017 followed by Annexure A/13 legal notice both of which remained unreplied. Aggrieved by inaction of the respondents the applicant is before this Tribunal.

3. The respondents have raised a prima facie objection to the O.A. being considered by this Bench contending that the cause of action arose in Allahabad and, therefore, this Bench had no jurisdiction.

4. Learned counsel for the applicant would submit that the applicant is a resident of Gwalior and is also posted in Gwalior at present. He appeared for the competitive examination after his name was sponsored by the authorities in Gwalior and, therefore, under the Administrative Tribunal Act and the rules framed thereunder, this Bench very much had the jurisdiction to deal with the matter.

5. We have considered the preliminary objection. The fact that the applicant is posted in Gwalior and is a resident of Gwalior at present is not in dispute. The jurisdiction of this Bench cannot be ousted merely because the cause of action arose elsewhere. We

are, accordingly, of the view that M.A.202/1172/2018 is devoid of substance and is accordingly dismissed.

6. Since the representation filed by the applicant followed by the legal notice (Annexures A/11 and A/13) has not been responded to, we are of the view that this O.A. could be disposed of with a direction to the competent authority to consider the points raised in the representation/legal notice in accordance with law and pass a reasoned and speaking order, within a period of three (03) months from the date of receipt of a copy of this order. O.A. is disposed of accordingly.

(Ramesh Singh Thakur)
Judicial Member

(R. Ramanujam)
Administrative Member

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