

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

**ORIGINAL APPLICATION NO. 060/948/2018 &
M.A. No. 60/1220/2018**

Chandigarh, this the 11th day of January, 2019

...

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

...

Narendra Kumar Tiwari s/o Sh. Mithila Sharan Tiwari, aged 42 years, r/o House NO. 3258/2, Sector 47-D, Chandigarh 160047.

....APPLICANT

(By Advocate: Shri K.B. Sharma)

VERSUS

1. The Secretary, Railway Board, Ministry of Railways, Northern Railway, Baroda House, New Delhi-110001.
2. The Chairman, Railway Recruitment Board, Guwahati, Guwahati Station Road Guwahati 781001.

....RESPONDENTS

(By Advocate: Shri Yogesh Putney)

ORDER (oral)

SANJEEV KAUSHIK, MEMBER (J)

By means of present Original Application (O.A.), the applicant has impugned letters dated 21.12.2016 (Annexure A-5), dated 7.4.2017 (Annexure A-6) whereby the respondents have stated that minimum cut of marks for Ex-serviceman (General Category) is more than cut of marks of 68.33% for the post of Sr. Section Engineer.

2. On notice, the respondents put in appearance through Mr. Yogesh Putney, Advocate. They filed reply raising a preliminary objection with regard to territorial jurisdiction of this Tribunal. He

submitted that the applicant is impugning the action of respondents taken in pursuance to an advertisement issued by the Railway Recruitment Board, Guwahati by filing O.A. before Chandigarh Bench. He further submitted that this Tribunal has no territorial jurisdiction to entertain the O.A. In support of his contention he has placed reliance on the judgment passed by the Patna Bench of this Tribunal in O.A. NO. 502 of 2006- **Manoj Kumar vs. UOI & Ors.** decided on 18.7.2008 (Annexure R-1) and three other judgments of the different Benches of this Tribunal placed at Annexures R-2 to R-4 where the plea raised by the respondents with regard to territorial jurisdiction has been accepted by holding that O.A. can be filed only within the jurisdiction, where the advertisement has been issued.

3. Learned counsel appearing on behalf of applicant is not able to show us any law contrary to one cited by the learned counsel for respondents.

4. Considering the above, we dismiss this O.A. alongwith M.A. for condonation of delay for want of territorial jurisdiction with liberty to the applicant to file it before the court of competent jurisdiction.

(P.GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Dated: 11.01.2019
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