

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

Original Application No.200/01139/2017

Jabalpur, this Friday, the 15th day of February, 2019

HON'BLE MR. NAVIN TANDON, ADMINISTRATIVE MEMBER
HON'BLE MR. RAMESH SINGH THAKUR, JUDICIAL MEMBER

Mohd Nayyar Afaque, S/o Abdul Ali Usmani, aged about 42 years, Education Officer Dattopant Thengadi National Board for Workers Education and Development Bhopal (DTNBWED), R/o 89 Rajat Nagar Piplani Bhel Bhopal (M.P.) - 462022 **-Applicant**

(By Advocate – None)

V e r s u s

1. Union of India through Secretary, Ministry of Labor and Employment, Shram Shakti Bhawan, Rafi Marg, New Delhi – 110001.
2. Additional Secretary (Bureau Head DTNBWED), Ministry of Labor and Employment, Shram Shakti Bhawan, Rafi Marg, New Delhi – 110001.
3. Director Dattopand Thengadi National Board for Worker Education and Development, Shram Shakti Bhawan, Rafi Marg, New Delhi – 110001.
4. Datopand Thengadi National Board for Workers Education and Development through its Director, North Abazari Road, Nagpur – 440033.
5. A.C. Upadhyay Regional Director at present Zonal Director, North Zone Exchange Building, Pusa Road, Dattopant Thengadi National Board for Workers Education and Development, New Delhi – 110013 **- Respondents**

(By Advocate – Shri S.P. Singh)

ORDER (ORAL)

By Navin Tandon, AM.

None for the applicant.

2. Since there has been no representation on the part of the applicant for the last two occasions also, therefore, the matter is being decided by exercising our powers conferred under Rule 15(1) of the CAT (Procedure) Rules, 1987.

3. Heard learned counsel for the respondents and perused the pleadings available on record.

4. The applicant is aggrieved by his transfer from Bhopal to Dhanbad vide order dated 27.01.2017 (Annexure A-3).

5. The respondents, in their reply, have raised the preliminary objection regarding the jurisdiction of this Bench in adjudicating this matter. It has also been submitted that the applicant had also approached the Principal Bench of this Tribunal by filing P.T. No.100/32/2017, which was dismissed on 05.05.2017 with the following observations:

“Despite last opportunity, reply has not been filed.

This PT has been filed seeking indulgence of the Chairman for retention of OA filed under Diary Number 1138/2017 at Principal Bench of this Tribunal.

Even though, reply has not been filed, learned counsel appearing for the respondents stated at Bar that the applicant now has been transferred from Bhopal to Dhanbad. This position is not disputed by learned counsel for applicant. However, his submission is that the applicant has not joined at Dhanbad. The fact remains that the applicant ceases to be working in the State of MP.

In this view of the matter, the applicant is at liberty to file the OA in State of Jharkhand where the place of applicant is situated. I do not find any valid ground to allow this PT. The same is dismissed.”

6. The applicant, in his rejoinder, has stated that the transfer order dated 27.01.2017 merges into the order dated 05.07.2017 (Annexure A-11), wherein he was to be relieved and join at Dhanbad with immediate effect and, therefore, the jurisdiction lies with this Bench.

7. Even considering the order dated 05.07.2017, we find that the applicant had been relieved on that date, whereas the instant Original Application has been filed on 22.12.2017. Thus, it is very clear that the applicant was not working under the territorial jurisdiction of this Bench on the date when this O.A was filed.

8. Accordingly, the O.A is dismissed for want of jurisdiction.

(Ramesh Singh Thakur)
Judicial Member

(Navin Tandon)
Administrative Member

am/-