

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH
JABALPUR

ORIGINAL APPLICATION NO.200/00641/2011

Jabalpur, this Wednesday, the 31st day of July, 2019

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

Krishna Nand Tiwari, S/o Shri Anjani Kumar, DOB-28.6.1988,
C/o Sanjay Kumar Choubey, 17, West, Old Market,
Ordnance Factory, Khamariya, Jabalpur-482005 (MP) - **APPLICANT**
(By Advocate – Shri Vijay Tripathi)

Versus

1. Union of India through its Secretary, Ministry of Defence, Defence
Production, South Block, New Delhi-110 001

2. Chairman, Ordnance Factory Board, 10-A Saheed Khudiram Bose
Street, Kolkata-700 062.

3. General Manager, Ordnance Factory, Ambajhari, Nagpur-440021
- RESPONDENTS

(By Advocate – Shri S.K.Mishra)
(Date of reserving the order: 13.12.2018)

ORDER

By Navin Tandon, AM.-

The applicant is aggrieved by the order dated 19.02.2011
(Annexure A-1) whereby his claim for appointment on the post of
Tradesmen Semi-Skilled Grade has been rejected.

2. Brief facts of the case submitted by the applicant is that he received
apprenticeship training under the Apprentice Act, 1961 at Ordnance
Factory Itarsi from 22.11.2005 to 21.11.2006 and having passed the
prescribed trade test was awarded NCVT certificate. He received a call

letter from Ordnance Factory Ambajhari, Nagpur to appear in Brush Up training on 13.09.2010 to 14.09.2010 followed by written and practical test on 15.09.2010. The written test was held on 16.09.2010 followed by interview on 20.09.2010. He was sent for medical examination on 20.09.2010. He received three sets of PVR forms by post on 25.09.2010 at Jabalpur, which he filled and submitted. Respondent No.3 communicated on 19.02.2011 (Annexure A-1) that the applicant has been found unsuitable in the suitability test and, therefore, medical examination conducted by Ordnance Factory Hospital, Ambajhari, Nagpur as well as PVR forwarded to civil authorities have become infructuous. Applicant is seeking appointment based on his presumption that medical test and PVR formalities are done after one is found suitable

3. The respondents in their reply have submitted that the candidate obtained only total 37 marks out of 100 in the entire suitability test, and was not found suitable. The medical examination and filling up of PVR forms was done to reduce time taken for completion of recruitment process.

4. Along with the parawise reply, the respondents have raised the objection regarding the jurisdiction of this Bench to adjudicate matters when cause of action arose in Nagpur (Maharashtra).

5. The applicant in his rejoinder has submitted that the applicant has completed his trade apprenticeship from Ordnance Factory, Itarsi. He

received call letters and the impugned order at Jabalpur. Therefore, the O.A. is maintainable at this Bench.

6. We have heard the learned counsel of both the parties. They reiterated the stand as detailed in proceedings regarding territorial jurisdiction.

7. Rule 6 of the Central Administrative Tribunal (Procedure) Rules, 1987 reads as under:-

“6.Place of filing applications.—

(1) An application shall ordinarily be filed by an applicant with the Registrar of the Bench within whose jurisdiction—

(i) the applicant is posted for the time being, or

(ii) the cause of action, wholly or in part, has arisen: Provided that with the leave of the Chairman the application may be filed with the Registrar of the Principal Bench and subject to the orders under section 25, such application shall be heard and disposed of by the Bench which has jurisdiction over the matter.

(2) Notwithstanding anything contained in sub-rule (1) persons who have ceased to be in service by reason of retirement, dismissal or termination of service may at his option file an application with the Registrar of the Bench within whose jurisdiction such person is ordinarily residing at the time of filing of the application.

8. In the present O.A., the cause of action has arisen at Nagpur (Maharashtra) as all the activities like issue of call letters, conducting the suitability tests, issue of impugned order have been issued from Ambajhari, Nagpur, which is in state of Maharashtra. Just because the applicant has completed his trade apprenticeship from Itarsi or received

the call letter/impugned order at Jabalpur does not mean that even part of action took place in Madhya Pradesh.

9. We are fortified in our view by catena of judgments as under:-

(i) Oil & Natural Gas Commission Vs. Utpal Kumar Basu & others, (1994)4 SCC 711

(ii) Union of India Vs. M.A. Siddiqui, 2006(1) AWC 729 decided on 18.05.2005 by Hon'ble High Court of Allahabad.

(iii) Mukesh Kumar Meena Vs. Union of India and others, Original Application No.2833/2010 decided on 15.03.2011 by CAT/New Delhi.

(iv) Virendra Kumar Mishra Vs. Union of India & others, Original Application No.245 of 2017 decided on 04.07.2018 by this Bench of the Tribunal.

(v) Dinesh Atariya Vs. Union of India and another, Original Application No.543/2014 decided on 10.10.2018 by this Bench of the Tribunal.

9.1 In the matters of **Utpal Kumar Basu** (supra) the Hon'ble Supreme Court has held that mere fact that the company is having its registered office at Calcutta; had read the ONGC advertisement in Calcutta Newspaper; and had sent its tender to Delhi address from Calcutta, would not mean that the cause of action took place in Calcutta.

9.2 In the matters of **M.A. Siddiqui** (supra) Hon'ble Allahabad High Court has similarly held that since the Railway Recruitment Board was conducting its selection at Chandigarh, the cause of action can not be in Uttar Pradesh. Therefore, the Allahabad Bench of the Tribunal had no jurisdiction to entertain the Original Application.

9.3 Similar orders have also been passed by the Principal Bench of this Tribunal in the matters of **Mukesh Kumar Meena** (supra) as well as by this Bench in the matters of **Virendra Kumar Mishra** (supra) and **Dinesh Atariya** (supra). In the matters of **Dinesh Atariya** (supra), this Bench had also relied on a decision of a coordinate Bench at Patna in the matters of **Manoj Kumar Yadav Vs. Union of India and others**, Original Application No.050/00628/2015 decided on 24.08.2015, which was upheld by the Hon'ble High Court of Patna in Civil Writ Jurisdiction Case No.778 of 2016.

10. In view of the above, we are of the view that the present Original Application is required to be dismissed on the ground that this Bench of the Tribunal has no territorial jurisdiction to entertain the matter.

11. Accordingly, the Original Application is dismissed. However, the applicant is at liberty to approach the appropriate Bench. No costs.

(Ramesh Singh Thakur)
Judicial Member

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(Navin Tandon)
Administrative Member