

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No.290/00403/2013

Jodhpur, this the 19th September, 2019

CORAM

Hon'ble Smt Hina P. Shah, Judicial Member

Hon'ble Ms Archana Nigam, Administrative Member

Padma Ram Choudhary S/o Shri Birma Ram, aged 24 years, R/o West Dhani, Jatawas, Lohawat, Tehsil Phalodi, District Jodhpur, (Raj).

.....Applicant

By Advocate : Mr Govind Suthar proxy counsel for
Mr Mahaveer Bishnoi

Versus

1. The Union of India through the General Manager, North-West Railway, Jaipur.
2. The Assistant Personnel Officer (Recruitment & Training), Railway Recruitment Cell, North Western Railway, Durgapura Railway Station, Jaipur.

.....Respondents

By Advocate : Mr Vinay Chhipa.

ORDER (Oral)

Per Smt. Hina P. Shah

The present OA has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 challenging impugned order dated 29.07.2013 (Annex. A/1) issued by respondent No. 2 whereby his candidature has been rejected for the reason of invalid application form.

2. Brief facts of the case are that in pursuance of employment notice NO. 02/10 (RRC/NWR) dated 16.12.2010 for the posts in the

Grade Pay of Rs 1800/-, applicant submitted his application form and appeared in the written examination and Physical Efficiency Test thereafter by the respondents. According to the applicant, he was declared successful in written and physical efficiency test but before including him into the final merit list, respondent No. 2 vide letter dated 29.07.2013 (Annex. A/1) cancelled his candidature for the reason that the Postal Order/Bank Draft/Pay Order which was submitted by the applicant is not prior to 16.12.2010, i.e. the date on which advertisement was issued. Hence, the applicant has filed the present OA.

3. Respondents filed reply raising the preliminary objection of territorial jurisdiction of CAT Jodhpur Bench to entertain the original application. Respondents have stated that entire selection process in pursuance of Employment Notice dated 16.12.2010 (Annex. R/1) had taken place at Jaipur and his candidature had been rejected by the respondent No. 2, therefore, cause of action, if any, arises to the applicant, is within the territorial jurisdiction of CAT Jaipur Bench.

Besides preliminary objections raised, respondents on merits of the case have stated that as per condition No. 8.11 (xv) that if a candidate enclosed/sent Postal Order/Bank Draft issued before the date of issue of Employment Notice (i.e. 16.12.2010) or with less than six months validity, then in such cases same would amount to invalid application. The applicant enclosed the postal

order which was issued on 27.01.2010 alongwith application, i.e. prior to the date of issuance of Employment Notice dated 16.12.2010 (Annex. R/1), therefore, his application form has rightly been rejected by the respondents.

4. We have heard learned counsel for the applicant represented through proxy and learned counsel for the respondents on the issue of territorial jurisdiction and perused the record.

5. The issue of territorial jurisdiction in the matters pertaining selection process/examination challenged by an aggrieved person/aspirant in the Central Administrative Tribunal, as in the present case, is no more res integra. In such matters, it has consistently been held by the Tribunal that part of cause of action in a particular territory, which has no bearing with the lis or dispute involved in the case, does not constitute cause of action occurred within the territorial jurisdiction of the Tribunal as per Rule 6 of CAT (Procedure) Rules, 1987. Issue of territorial jurisdiction in the present matter is covered by the order dated 26.08.2019 passed by this Tribunal in a similar OA bearing No. 290/00168/2016 (Kalu Ram Vs Union of India & Anr). In the present case also, entire selection process took place within the territorial jurisdiction of CAT Jaipur Bench, Jaipur and only one communication, i.e. impugned order dated 26.07.2013 (Annex. A/1) has been sent to the applicant at his residence in Jodhpur

district which is within the territorial jurisdiction of this Tribunal. Since, mere receiving the order impugned by the applicant in the territorial jurisdiction of CAT Jodhpur Bench which has no bearing with the lis or dispute involved in the case, does not confer any territorial jurisdiction in favour of this Tribunal to hear the present matter. Moreover, para 17 of Employment Notice dated 16.12.2010 had clearly mentioned that "For any legal disputes, the jurisdiction will be Central Administrative Tribunal, Jaipur only" and all the respondents impleaded by the applicant are also having addresses of Jaipur.

6. In view of discussions hereinabove made, we are of the considered view that present Original Application lacks territorial jurisdiction for this Bench to hear the matter. Accordingly, the same is dismissed for want of territorial jurisdiction. The applicant is granted liberty to approach Bench of appropriate territorial jurisdiction, if so desired. There shall be no order as to costs.

[Archana Nigam]
Administrative Member

[Hina P. Shah]
Judicial Member

Ss/-