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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 113/2003

New Delhi this the 24th day of January, 2003

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri Govindan S. Tampi, Member (A)

Shri Suresh Chand Meena,
S/O Shri Bhairoo Lal Meena,
R/O C/O Vimal Kumar Jain,
H.No.14/63-A, Teela Nawada,
Taj Ganj, AGRA (UP)

(By Advocate Shri S.K.Gupta) ..Applicant

VERSUS

1. Union of India through
Secretary, Ministry of
Culture, Shastri Bhawan,
New Delhi.
2. Director General,
Archeological Survey of India,
Janpath, New Delhi.
3. Director (Administration),
Archeological Survey of India,
Janpath, New Delhi.
4. Shri R.Y. Sharma
5. Shri V.K. Gaur
6. Shri Pranab Kumar Chaudhary
7. Shri Presenjeet Ghosh
8. Shri K.N. Gaur
9. Shri Naresh Chand

(By Advocate Sh. N.K. Aggarwal,
learned senior counsel for
respondents 1-3) .. Respondents

(Respondent Nos 4 to 9 through
Director General, Archeological
Survey of India, Janpath, New Delhi)

O R D E R (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J))

A short reply on behalf of respondents 1-3 has
been filed by the learned senior counsel to the notice

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issued on 10.1.2003. In this reply, a number of preliminary objections have been taken, including that the Principal Bench (PB) of the Tribunal has no territorial jurisdiction in the matter as the applicant is working and is a resident of Agra, State of UP. As such, it has been submitted that the Central Administrative Tribunal (Allahabad Bench) is the proper judicial forum. It has also been submitted that the applicant has not exhausted all the remedies available to him and the application is premature. Further, the respondents have submitted that no junior to the applicant has been promoted by the impugned order dated 8.1.2003 which promotion order, according to them, has been issued according to the rules.

2. Shri S.K.Gupta, learned counsel has denied the above averments, excepting the question of territorial jurisdiction of this Bench to hear the matter. He has very vehemently submitted that the respondents have acted in a most illegal manner in issuing the promotion order which is contrary to the rules. However, later on he has submitted only on the question of jurisdiction that he wishes to withdraw this OA with liberty to proceed in accordance with law in the proper forum.

3. We have considered the relevant facts and the submissions made by both the learned counsel for the parties. The impugned order dated 8.1.2003 in this application is with regard to the recommendations of the

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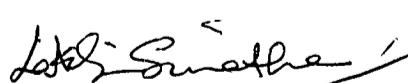
DPC and promotion of certain persons who have been impleaded as private respondents 4-9. Initially, Shri S.K.Gupta, learned counsel has very vehemently submitted that as this impugned order has been issued at New Delhi and the applicant though working and residing at Agra had come to know about this order in New Delhi, which he has mentioned in the OA then the PB of the Tribunal has territorial jurisdiction in the matter. He has vehemently submitted that part of the cause of action has arisen in this Bench of the CAT as per Rule 6 of the Central Administrative Tribunal(Procedure) Rules, 1987. Shri N.K.Agarwal, learned senior counsel has controverted this fact and has submitted that the impugned order dated 8.1.2003 has not in any way been served by the respondents on the applicant, as he is not concerned with that order.

4. On the question of jurisdiction of this Tribunal to adjudicate on this matter on merits, we find merit in the submissions made by the learned senior counsel for the respondents. In any case, after the submissions were made as above, Shri S.K.Gupta, learned counsel has himself submitted that he wishes to withdraw this original application on the ground of lack of territorial jurisdiction of the Principal Bench of the Tribunal to hear the matter. Accordingly on this ground the O.A. is disposed of as withdrawn.

5. In the above circumstances, Registry to keep one copy of the OA for reference purposes and return the other papers to the learned counsel in accordance with the relevant Rules.

(Govindan S.Tampi)
Member (A)

(SK)


(Smt. Lakshmi Swaminathan)
Vice Chairman (J)