

(2003) 07 DEL CK 0118
In the Delhi High Court
Case No : Civil Writ Petition: 517 of 2003

Dr. K.P. Verma

APPELLANT

Vs

U.O.I. and Others

RESPONDENT

Date of Decision : 23-07-2003

Acts Referred:

Citation : (2003) 2 ILR Delhi 62

Hon'ble Judges : Madan B. Lokur, J;D.K. Jain, J

Bench : Division Bench

Advocate : N.L. Bareja, for the Appellant; Arun Srivastava, Advocate, for the Respondent

Final Decision : Allowed

Judgement

D.K. Jain, J.—Challenge in this writ petition is to an order dated 13 January 2003, passed by the Central Administrative Tribunal, Principal Bench, New Delhi (for short "the Tribunal") in O.A. 1141/2003. By the impugned order, the learned Tribunal has been pleased to dismiss petitioner's original application, wherein he had challenged his transfer from Gothangaon to Tenzingaon on the ground that since the order of transfer had been communicated to him within the State of Maharashtra, Tribunal's Bench at New Delhi had no jurisdiction to entertain the application. Pursuant to the show cause notice issued to the respondents, Mr. Anil Srivastava has put in appearance on behalf of the Central Tibetan Schools Administration, the contesting respondent No. 3 herein.

2. Having heard learned Counsel for the parties, we are of the view that the Tribunal has failed to take into consideration the relevant facts, necessary to arrive at a proper decision on the question of maintainability of the original application, on the ground of lack of territorial jurisdiction.

3. Maintainability or otherwise of the original application before the Tribunal depends on whether cause of action for filing the same has arisen, wholly or in part, within the territorial jurisdiction of that bench of the Tribunal. In legal

parlance the expression "cause of action" is generally understood to mean a situation or state of facts that entitles a party to maintain an action in a Court or a Tribunal. (See: Navinchandra N. Majithia Vs. State of Maharashtra and Others, In State of Rajasthan and Others Vs. Swaika Properties and Another, their Lordships of the Supreme Court said that the "cause of action" is a bundle of facts, which would give the plaintiff a right to relief. However, any or every fact pleaded may not necessarily be included in the bundle of facts, constituting cause of action. Unless the facts pleaded are such which have a nexus or relevance with the lis that is involved in the case, other facts pleaded in the application would not ipso facto lead to the conclusion that those facts give rise to cause of action within the Court's territorial jurisdiction.

4. In the instant case, we find it difficult to endorse the view taken by the learned Tribunal that no part of cause of action for filing application arose within the territorial jurisdiction of the Delhi Benches of the Tribunal. Admittedly, the three respondents, who have taken decision for petitioner's transfer, are based in Delhi; the transfer order has been issued from Delhi and petitioner had to make representation in Delhi and, therefore, on the issue of the order of transfer, a part of cause of action did arise in Delhi.

5. For the foregoing reasons, we are of the considered opinion that the learned Tribunal was not correct in dismissing petitioner's application only on the ground that it did not have territorial jurisdiction to deal with his original application.

6. Consequently, we allow the writ petition; set aside the impugned order and direct the Tribunal to decide the original application of the petitioner on merits. The writ petition and application for interim relief stand disposed of accordingly.

Copies of the order be issued dasti to counsel for the parties.