

(2017) 06 JH CK 0020
In the Jharkhand High Court
Case No : 4498 of 2016

Gunadhar Manjhi

APPELLANT

Vs

The Union of India

RESPONDENT

Date of Decision : 15-06-2017

Acts Referred:

Citation : (2017) 06 JH CK 0020

Hon'ble Judges : H.C.Mishra, Ratnaker Bhengra

Bench : DIVISION BENCH

Advocate : Alok Anand, Devanand Kumar, Bakshi Vibha

Final Decision : Disposed

Judgement

1. Heard learned counsel for the petitioner and learned counsel for the Union of India.
2. The petitioner is aggrieved by the order dated 07.01.2016 passed by the Central Administrative Tribunal, Circuit Bench at Ranchi, in O.A. No. 051/00048/14, whereby the application filed by the petitioner against the punishment of removal from service imposed upon him, has been dismissed by the Central Administrative Tribunal, on merits.
3. The petitioner, at the relevant time, was working as Catering Assistant in Jawahar Navodaya Vidyalaya, Yavatmal, in the State of Maharashtra. He was put under departmental proceeding for some misconduct and pursuant to the departmental proceeding, the punishment of removal from service was imposed upon him by the Disciplinary Authority, i.e., the Deputy Commissioner of Navodaya Vidyalaya Samiti, Pune Region, by order dated 24.12.2012, as contained in Annexure-7 series. The petitioner, again preferred appeal before the Appellate Authority, i.e., the Joint Commissioner, Administration, Navodaya Vidyalaya Samiti, Head Quarter at Noida, which was also dismissed by the Appellate Authority by order dated 09.01.2014, as contained in Annexure-8 A.

4. It appears that since the petitioner is the resident of Ranchi and he had shifted to Ranchi after removal from the service, the order passed by the Appellate Authority was communicated to him at his Ranchi address. The petitioner challenged the order passed by the Appellate Authority, before the Central Administrative Tribunal, Circuit Bench at Ranchi, which was entertained and also adjudicated on merits. 5. We are of the considered view that the Central Administrative Tribunal, Circuit Bench, at Ranchi, had wrongly entertained the application filed by the petitioner, inasmuch as, no cause of action had arisen within the territorial jurisdiction of Central Administrative Tribunal, Patna, Circuit Bench, Ranchi. The cause of action firstly arose in the State of Maharashtra, where the petitioner was posted and subjected to departmental proceeding, and the order of removal from service was passed against him by the Disciplinary Authority, i.e., the Deputy Commissioner of Navodaya Vidyalaya Samiti, Pune Region, and secondly at Noida, in the State of Uttar Pradesh, where the order was passed by the Appellate Authority.

6. In that view of the matter, we are of the considered view that the application filed by the petitioner was wrongly entertained by the Central Administrative Tribunal, Circuit Bench, Ranchi, on merits, and it ought to have dismissed the application on the ground of jurisdiction itself, without entering into the merits of the case. As such the impugned order passed by the Central Administrative Tribunal, Circuit Bench, Ranchi, cannot be sustained in the eyes of law.

7. For the foregoing reasons, we hereby, quash the order dated 07.01.2016 passed by the Central Administrative Tribunal, Circuit Bench at Ranchi, in O.A. No. 051/00048/14, being absolutely without jurisdiction. It is made clear that we are not interfering either into the punishment order passed by the Disciplinary Authority or the order passed by the Appellate Authority against the petitioner.

8. The petitioner may approach the appropriate forum for challenging the orders passed by the Disciplinary Authority and by the Appellate Authority, which shall be subject to the law of limitation, if any.

9. This writ application is accordingly, disposed of with the direction / observation as above.