

(2014) 03 JH CK 0121
In the Jharkhand High Court
Case No : W.P.(S) No. 7070 of 2013

U.V.Murli Mohan	Vs	APPELLANT
Union of India and ors		RESPONDENT

Date of Decision : 25-03-2014

Acts Referred:

Citation : (2014) 03 JH CK 0121

Hon'ble Judges : R. Banumathi, CJ;S. Chandrashekhar, J

Bench : Division Bench

Advocate : M.M. Pal, Vijoy Kumar Sinha

Final Decision : Dismissed

Judgement

Being aggrieved by the order in O.A. No.42 of 2012 of the Central Administrative Tribunal(dated 21st March, 2013), in and by which the learned

Tribunal dismissed the Original Application for want of jurisdiction, the petitioner has preferred this petition.

2. We have heard Mrs. M.M.Pal, learned Senior counsel, appearing for the petitioner as well as Mr.Vijoy Kumar Sinha, learned counsel appearing for the respondent- Railways.

3. The petitioner while working as Office Superintendent in Bondamunda, which is in the State of Orissa, for certain alleged act, he was issued

memorandum of charges by the South Eastern Railway- ADEE-I/TRS/BNDM vide Annexure-1 dated 22.3.2011. The Disciplinary Authority- ADEE-

TRS, South Eastern Railway has imposed the punishment by order dated 9.4.2011(Annexure-3). The Appellate Authority is the Senior Divisional

Electrical Engineer(TRS) , South Eastern Railway, Bondamunda, a place situated within the State of Orissa.

4. In that view of the matter, the entire cause of action having arisen in Bondamunda within the State of Orissa and since the Disciplinary Authority as well as the Appellate Authority are situated in Bondamunda, within the State of Orissa, the learned Tribunal has rightly dismissed the Original

Application for want of jurisdiction.

5. The learned counsel appearing for the petitioner has submitted that Bondamunda is under CKP (Chakradharpur) Division and the Original

Applications filed by several Railway Employees posted in different stations under CKP division have been entertained by the learned Central

Administrative Tribunal, Circuit Bench at Ranchi and some of them are still pending before the learned Central Administrative Tribunal, Circuit Bench,

Ranchi. Further, learned Senior counsel for the petitioner has relied upon a document filed vide Annexure-7 dated 7th April, 2011 in support of her contention.

6. The learned Tribunal after having gone through the decision cited by the applicant has held that even a part of cause of action has not arisen within

the territorial jurisdiction of the Central Administrative Tribunal, Patna Bench, Circuit Bench at Ranchi. Relying on the decision of the Hon'ble

Supreme Court in the case of M/s Kusum Ingots and Alloys Ltd. Vs. Union of India (2004 (3) JCR 92 [SC]), the learned Tribunal dismissed the

Original Application.

7. The order of the Tribunal does not suffer from any infirmity, warranting interference. Accordingly, this writ petition is dismissed. However, as

pointed out by the learned Tribunal, liberty is given to the writ petitioner to approach appropriate forum of competent jurisdiction for seeking redressal

of his grievance.