

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

D. B. Civil Writ Petition No. 20729/2018

Bablu Lal S/o Shri Kalu Ram, aged about 25 Years, R/o Near Ram Mandir, Village Sarod, Tehsil Pachpahar, District Jhalawar (Rajasthan), Presently aspirant for the post of Ground D, RRC Central Railway, Mumbai-400010.

----Petitioner

Versus

1. Union of India, Ministry of Railways through Chairman, Railway Board, Rail Bhavam, New Delhi-110001.
2. General Manager, Central Railways, Chatrapati Shivaji Terminal, Mumbai-400010.
3. Chief Personnel Officer, Central Railways, Chatrapati Shivaji Terminal, Mumbai-400010.
4. Chairman Railway Recruitment Cell, Central Railway, Chief Project Manager (Conv)'s Office Building, P.D. Mello Road, Wadi Bunder, Mumbai-400010.
5. Assistant Secretary, Railway Recruitment Cell, Central Railways, Chief Project Manager (Conv)'s Office Building, P.D. Mello Road, Wadi Bunder, Mumbai-400010.

----Respondents

For Petitioner(s) : Mr. Sumit Rawat.

For Respondent(s) : Mr. Shailesh Prakash Sharma.

**HON'BLE MRS. JUSTICE SABINA
HON'BLE MR. JUSTICE NARENDRA SINGH DHADDHA**
Order

21/11/2019

Petitioner has filed this petition challenging order dated 27.07.2018 passed by the Central Administrative Tribunal, Jaipur Bench, Jaipur (hereinafter referred to as 'the Tribunal').

Learned counsel for the petitioner has submitted that the Tribunal has erred in dismissing the application filed by the petitioner on the ground of lack of jurisdiction. In-fact, the Tribunal had the jurisdiction to decide the claim of the petitioner raised in the

application. In support of his arguments, learned counsel has relied on the judgment of the Hon'ble Supreme Court in ***Om Prakash Srivastava Vs. Union of India & Another, (2006) 6 SCC 207***, wherein it was held as under:

"11. It is settled law that "cause of action" consists of a bundle of facts, which give cause to enforce the legal inquiry for redress in a court of law. In other words, it is a bundle of facts, which taken with the law applicable to them, gives the plaintiff a right to claim relief against the defendant. It must include some act done by the defendant since in the absence of such an act no cause of action would possibly accrue or would arise. [See *South East Asia Shipping Co. Ltd. v. Nav Bharat Enterprises (P) Ltd., (1996) 3 SCC 443.*]"

Learned counsel for the petitioner has further relied on the judgment of the Hon'ble Supreme Court in ***Nawal Kishore Sharma Vs. Union of India & Others, [Civil Appeal No. 7414 of 2014 (arising out of SLP (C) No. 19549 of 2013) decided on 07.08.2014]*** wherein it was held as under:

"11. On a plain reading of the amended provisions in Clause (2), it is clear that now High Court can issue a writ when the person or the authority against whom the writ is issued is located outside its territorial jurisdiction, if the cause of action wholly or partially arises within the courts territorial jurisdiction. Cause of action for the purpose of Article 226(2) of the Constitution, for all intent and purpose must be assigned the same meaning as envisaged under Section 20(c) of the Code of Civil Procedure. The expression cause of action has not been defined either in the Code of Civil Procedure or the Constitution. Cause of action is bundle of facts which is necessary for the plaintiff to prove in the suit before he can succeed."

Learned counsel for the respondents has submitted that no cause of action had arisen in the State of Rajasthan.

The advertisement was issued for recruitment to various posts by the Railways. The petitioner had applied for Group D Post. However, the petitioner was not issued appointment letter which resulted in filing of the application by the petitioner before the

Tribunal. The Tribunal while dismissing the application has considered that as per Clause 13 of the employment notice it was specifically stipulated that any legal matter arising out of the said employment notice shall fall within the legal jurisdiction of Central Administrative Tribunal, Mumbai only. While submitting his application form, the petitioner had accepted the terms of the employment notice. Hence, jurisdiction of Bench of the Tribunal at Jaipur was barred and the petitioner had the remedy to approach Central Administrative Tribunal, Mumbai.

We have gone through the judgments relied by learned counsel for the petitioner. There is no quarrel with the proposition of law settled by the said judgments but the same fail to advance the case of the petitioner as they are based on different facts. In the present case, the petitioner had applied for Group D Post in pursuance to the recruitment notice (Annexure A/2 of the Original Application). Since, as per Clause 13, it was specifically provided that any legal matter arising out of the employment notice would fall within the legal jurisdiction of Central Administrative Tribunal, Mumbai only, learned Tribunal rightly came to the conclusion that the Central Administrative Tribunal, Jaipur Bench had no jurisdiction to decide the claim raised by the petitioner. Liberty was granted to the petitioner to approach Mumbai Bench of the Tribunal. Since the impugned order does not suffer from vice of illegality, no ground for interference by this Court is made out.

Dismissed.

(NARENDRA SINGH DHADDHA),J

(SABINA),J