

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

D.B. Civil Writ Petition No. 1194/2019

Hariom Meena S/o Shri Sheoram Meena, Aged About 29 Years,
R/o Village Raitha Kanan, Post Chakeri, District And Tehsil
Sawaimadhopur (Rajasthan)

----Petitioner

Versus

1. West Central Railway, Through Its General Manager,
Jabalpur, Madhya Pradesh.
2. Chief Personnel Officer, West Central Railway, Jabalpur,
Madhya Pradesh.
3. Railway Recruitment Cell Through Its Chairman, West
Central Railway, Jabalpur, Rb-3, 422/1-2, Nehru Railway
Colony, Howbagh, Jabalpur, Madhya Pradesh.

----Respondents

For Petitioner(s)	:	Mr. Amit Mathur, Advocate
For Respondent(s)	:	Mr. S.N. Meena, Advocate

**HON'BLE MRS. JUSTICE SABINA
HON'BLE MR. JUSTICE CHANDRA KUMAR SONGARA**

Order

31/07/2020

Petitioner has filed the petition challenging the order dated 3.1.2019 passed by the Central Administrative Tribunal, whereby Original Application filed by the petitioner was rejected.

Learned counsel for the petitioner has submitted that the Tribunal has erred in dismissing the Original Application filed by the petitioner on the ground of jurisdiction. Clause 17 of the Advertisement (Annexure-A/4) providing that in case of any dispute, jurisdiction would lie only at the court situated at

Jabalpur, was contrary to the Rule 6 of Central Administrative Tribunal (Procedure) Rules, 1987.

Learned counsel for the respondent has submitted that the learned Tribunal has rightly rejected the application filed by the petitioner on the ground of jurisdiction basing reliance on decision of Division Bench of Gujarat High Court in ***Yuvrajsingh Dilipsingh Zala vs. Union of India & Ors, Special Civil Application No. 4528/2016*** decided on 14.6.2016.

Petitioner had applied for the post of Group 'D' Category. As per Clause 17 of the Advertisement, in case of any legal dispute, the same could be raised before the Central Administrative Tribunal, Jabalpur. A similar controversy arose before the Gujarat High Court in ***Yuvrajsingh Dilipsingh Zala's*** case (supra) and it was held as under:-

"4.06. Considering the fact that it was a centralized recruitment and the applications were invited from all over the country, with a view to see that there may not be different proceedings in different Courts/High Court, the aforesaid clause 11 is provided conferring the jurisdiction only in the tribunal/Court in Bombay. Therefore, it appears that there is valid reason to provide ouster clause 11.

4.07. Now, so far as the reliance placed upon Rule 6 of the Rules is concerned, it is required to be noted that even if part cause of action might have arisen within the territorial jurisdiction of the Central Administrative Tribunal, Ahmedabad Bench, still the question is whether in light of the ouster clause 11 of the employment notice referred to hereinabove, any legal proceedings arising out of and/or in respect to the employment notice, the jurisdiction would vest only with the Central Administrative Tribunal, Mumbai Bench or High Court, Mumbai only.

5.00. In view of the above and for the reasons stated above, it cannot be said that the learned tribunal has committed any error in returning the Original Application to the petitioner herein to present it before the appropriate forum/court having jurisdiction and jurisdiction over the dispute. We see no reason to interfere with the same. As such, we are in complete agreement with the view taken by the learned tribunal. Under the circumstances, present petition deserves to be dismissed and is accordingly dismissed.”

Learned counsel for the petitioner has failed to show any judgment taking contrary view. In the facts and circumstances of the present case, learned Tribunal rightly returned the Original Application to the petitioner to enable him to present the same before Jabalpur Bench of the Tribunal while basing reliance on ***Yuvrajsingh Dilipsingh Zala's*** case (supra).

No ground for interference is made out.

Dismissed.

(CHANDRA KUMAR SONGARA),J

(SABINA),J

Anil Makwana /83

