



**Central Administrative Tribunal
Principal Bench**

OA No.2200/2017

New Delhi, this the 12th day of February, 2020

Hon'ble Mr. S.N. Terdal, Member (J)
Hon'ble Mr. Mohd.Jamshed, Member (A)

Manjeet Kumar (Appointment)
Aged about 27 years
S/o Sh. Om Prakash
R/o VPO Koth Kalan, Tehsil-Narnoud, Distt.Hisar, Haryana - 125039.

...Applicant

(By Advocate : Mr. M.K. Bhardwaj)

Versus

1. Union of India
Through its Secretary
DOP&T, North Block, New Delhi.
2. Staff Selection Commission
Through its Chairman
Block No. 12, CGO Complex, Lodhi Road, New Delhi.
3. The Director General
Border Road Organisation
GREF Centre, Ring Road, Naraina, Delhi Cantt.

..... Respondents

(By Advocate : Mr. S.M. Zulfiqar Alam)

ORDER (ORAL)

Mr. S.N. Terdal :

Heard Mr. M.K. Bhardwaj, counsel for the applicant and Mr. S.M. Zulfiqar Alam, counsel for the respondents, perused the pleadings and all the documents.

2. The relief prayed in this OA are as follows :
 - i) To quash and set aside the impugned order dated 18.07.2016 and direct the respondents to consider the candidature of applicant for appointment to the post of LDC/DEO with all consequential benefits from the date of appointment of his batchmates.



- ii) To declare the action of respondents in not conducting medical examination of applicant as per the parameters mentioned in the advertisement of CHSL (10+2) Examination, 2013 as illegal and direct the respondents to conduct medical examination of applicant to assess his fitness for appointment to the post of LDC/DEO as per the guidelines/parameters mentioned in the advertisement and on the basis of outcome of said Medical Examination consider the claim of applicant for appointment to the post of LDC/DEO with all consequential benefits.
 - iii) To direct the respondents to send his dossier to the user department i.e. Border Road Organisation or any other department for appointment to the post of LDC/DEO from due date with all consequential benefits including arrears of pay.
 - iv) To allow the OA with cost.
 - v) Any other orders may also be passed as this Hon'ble Tribunal may deem fit and proper in the existing facts and circumstances of the case.
3. At the time of hearing, counsel for the respondents raised objection regarding jurisdiction of this Tribunal to entertain the reliefs prayed for by the applicant.
4. The facts of the case are that the applicant has been selected for the post of LDC by the Staff Selection Commission and his dossiers have been forwarded to Respondent no. 3, i.e., General Reserve Engineering Force (GREF).
5. Counsel for the respondents submitted that since no notification under section 14 (2) of Administrative Tribunals Act with respect to Border Road Organisation (BRO), this Tribunal has got no jurisdiction to entertain this OA. In support of his contention he relied upon the judgement of Hon'ble Supreme Court passed in Civil Appeal No. 10131 of 2016 wherein the Hon'ble Supreme Court has clearly stated that the Tribunal does not have jurisdiction to entertain the service conditions of the employees of



BRO and GREF. The relevant portion of the said judgment is extracted below :

“35. In view of the aforesaid, we dismiss the appeal and concur with the view expressed by the High Court that it only has the jurisdiction to deal with the controversy raised by the appellant. The challenge was by the Union of India and its functionaries to the order dated 18.6.2012 passed by the tribunal negating the preliminary objection raised by the tribunal. Thus, the grievance agitated by the appellant has really not been addressed by any competent forum. His grievance deserves to be dealt with in accordance with law. In view of the obtaining situation, we grant liberty to the appellant to approach the High Court for redressal of his grievance within three months hence. We request the High Court to dispose of the matter, if filed, on its own merits and not throw at the threshold on the ground of delay and laches. There shall be no order as to costs.”

6. In view of the law laid down by the Hon'ble Supreme Court, this Tribunal has got no jurisdiction as there is no order passed by the competent authority under section 14 (2) of Administrative Tribunals Act, 1985, hence, the OA is dismissed. Liberty is given to the applicant to approach the appropriate forum for redressal of his grievance, in accordance with law.

(Mohd.Jamshed)
Member (A)

(S.N. Terdal)
Member (J)

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