

CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH

OA 1659/88

New Delhi, this the 24th day of March, 1994.

SHRI J.P.SHARMA, MEMBER(J).

SHRI B.K. SINGH, MEMBER(A).

Shri M.K.Singha, SM, son of Late Shri S.R.Singha,  
resident of 61/10, Old Rajinder Nagar,  
New Delhi-60.

...Applicant

(Applicant present in person)

VERSUS

1.Union of India, service to be effected upon its  
Secretary, Ministry of Home Affairs, North  
Block, New Delhi.

2. Director General, Assam Rifles,  
HQ Directorate General Assam Rifles,  
Shillong-793011 (Service to be effected upon  
through its Director General / Principal staff  
officers).

...Respondents

By advocate : None.

O R D E R (ORAL)

SHRI J.P.SHARMA :


The applicant at the time of filing this application was Deputy Commandant in 9 Assam Rifles and he was temporarily posted at Delhi as Liaison Officer with the Ministry of Home Affairs. The grievance of the applicant is regarding his dismissal from service by the order dated 27-3-87 passed by Director-General Assam Rifles Headquarters, Directorate General, Assam Rifles, Shillong. He filed the present application on 29-8-88. The Bench by its order on 9-9-88 issued notice to the respondents who contested the application and filed the reply. The case came for final hearing on 21-3-94 when Shri G.D.Gandhi, Advocate appeared for the applicant and Mrs. Raj Kumari Chopra, advocate represented the respondents. The arguments were heard primarily on the preliminary objection raised by the counsel for the respondents that the Central Administrative Tribunal has no

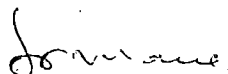
jurisdiction in view of the fact that the applicant at the relevant time was employed in Assam Rifles which is an armed force of Union of India. Under section 2 of the Administrative Tribunals Act, 1985, the provisions of the said Act do not apply to any member of the Naval, Military or Air Force or of any other Armed Forces of the Union. Further, under section 14 of the said Act, the jurisdiction of the Tribunal is restricted to any civil service of the Union or a civil post under the Union or to a post connected with defence or in the defence services being in either case, a post filled up by a civilian. In view of this fact, after hearing the counsel for the respondents, on the request of Shri Gandhi appearing for the applicant, we granted time till today to argue that point of jurisdiction as the learned counsel was not prepared on that day on this particular issue. The counsel for the applicant has not come and the applicant himself stated that he does not dispute the legal proposition and objection to the jurisdiction of the Tribunal raised by the counsel for the respondents. We have also gone through the matter and also perused the Assam Rifles Act, 1941. Section 11 of the said Act lays down that members of the Assam Rifles are to be deemed part of the Indian army for certain purposes.

2. In view of the above facts and circumstances, since Assam Rifles is an armed force of Union of India and also the employees discharge functions of dealing with militancy in the North-eastern region, we hold that the Tribunal has no jurisdiction in the case.

3. Since the case has been pending since all these years, so there is an apprehension in the mind of the applicant that if he pursues the matter of his grievance before a competent forum, the point of limitation may be a hurdle in his case. However, in the circumstances of the case, the liberty is granted

to the applicant to assail his grievance in the competent forum and the Registry shall return the application along with necessary annexures to the applicant to pursue his matter, if so advised, in the competent forum, according to law. In the circumstances, the application is disposed of, with no order as to costs.

  
(B.K.SINGH)  
MEMBER(A)

  
(J.P.SHARMA)  
MEMBER(J)

/KALRA/  
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