

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

O.A.1817/88

Date of decision 23-12-1988

Shri Alam Singh

.....Petitioner

Vs.

Union of India

....Respondents

For the petitioner

...Shri R.P. Nautiyal,
Counsel

For the respondents

....Shri P.H. Ramchandani,
Counsel

CORAM:

THE HON'BLE MR. P.K. KARTHA, VICE CHAIRMAN (J)

THE HON'BLE MR.D.S. MISRA, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed
to see the Judgment? Yes

2. To be referred to the Reporter or not? Yes

(The Judgment of the Bench delivered by Hon'ble
Shri D.S. Misra, Administrative Member)

In this application under Section 19 of the
Administrative Tribunals Act, 1985, the applicant is
working as Constable Mason, S.S.B. Group Centre, Head
Quarters, Ghazni, Arjun Garh, New Delhi. The applicant
has prayed for issue of a direction to the respondents
to promote him as Head-Constable Mason. A preliminary
objection was raised by Shri P.H. Ramchandani, learned
counsel for the respondents that this Tribunal has no

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jurisdiction to entertain and adjudicate in this matter as the applicant is a member of an Armed Force of the Union of India. The learned counsel for the applicant, however, contended that the applicant belongs to an organisation named Service Sacrifice Brotherhood which is wholly funded and controlled by the Union of India. However, no document in support of this contention of the applicant has been filed with the petition nor was any document produced at the time of hearing on admission. On behalf of the respondents, copies of the judgment of this Tribunal in Shri Lal Singh Vs. U.O.I. and Others Regn. No.T-115/85 decided on 6th March, 1986 was produced before us. In this case, the applicant was working as Constable in IIInd H.P. SSB Bn. under the Directorate General of Security Dharampur, Simla Hills. The respondents in that case had produced before the Bench a communication addressed by the Ministry of External Affairs to the Director, Intelligence Bureau, New Delhi dated 31st August, 1965 conveying the sanction of the President to the three battalions for SSB in NEFA on the ITBP Battalion pattern modified to suit SSB work. Another communication by the Cabinet Secretariat, Department of Cabinet Affairs to the Director General Security vide letter No.E4/S-Armed-9/68 dated 4th August, 1966 communicating the sanction of the President in regard to organisation and administrative set up for the three Armed Police Battalions was also produced before the Tribunal. After discussing the various

ether communications on the subject, it was held that the Special Security Bureau was an Armed Force of the Union of India under Section 3 of the CRPF Act, 1949. This view of the Tribunal also finds support in another judgment of the High Court of Himachal Pradesh Vs. Director General of Security Civil Writ Petition No. 776/86 decided on July 14, 1988. A similar view was taken by the Allahabad Bench of this Tribunal in OA 298/88 Ghanshyam Joshi Vs. U.O.I. & Others. ^{and 01} and the Chandigarh Bench of this Tribunal in T.936/H.P. of 1986 in Gareeb Dass Vs. Director General of Securities.

2. We have considered the matter and we are of the opinion that the applicant being a member of the Armed Forces of the Union of India, the application filed by him before this Tribunal is not maintainable and this Tribunal has no jurisdiction. We accordingly dismiss the application at the admission stage without any order as to costs.

Bhima
(D.S. MISRA) 23/12/80
MEMBER (A)

Amrit
(P.K. KARTHA) 23/12/80
VICE CHAIRMAN (J)