

(Open Court)

Central Administrative Tribunal, Allahabad Bench, Allahabad

O.A. No.330/00636/2020

**Hon'ble Mrs. Justice Vijay Lakshmi, Member (J)**  
**Hon'ble Mr.Tarun Shridhar, Member (A)**

This the 9<sup>th</sup> day of November, 2020.

M. Karunanithi aged about 43 years son of Shri R. Munisamy, presently posted as Subedar Major in the Office of Garrison Engineer, East Mathur, U.P..

Applicant

By Advocate: Sri Kaushlesh Pratap Singh

**Versus**

1. Union of India through the Secretary, Ministry of Defence, New Delhi.
2. Engineer-in-Chief's Branch, Army Head Quarter, Kashmir House, Rajaji Marg, P.O., New Delhi-11.
3. Chief Engineer, HO Southern Western Command, Jaipur, Rajasthan.
4. Chief Engineer, Jaipur Zone, Rajasthan.
5. Officer in Charge Records Office, Bombay Engineering Group and Center Kirkee, Pune-3, Maharashtra.
6. Chief Record Officer (CRO), Bombay Engineering Group and Centre Kirkeee, Pune-3, Maharashtra PIN-908796 c/o 56 APO.
7. Commander Works Engineer, Mathura, U.P.
8. Garrison Engineer, East Mathura, U.P.
- .
- .

Respondents

By Advocate: Sri Chakrapani Vatsyayan

**ORDER**

**By Hon'ble Mrs. Justice Vijay Lakshmi, Member (J)**

Heard learned counsel for applicant, learned counsel for respondents on admission and perused the record.

2. At the very outset, learned counsel for respondents has raised a preliminary objection with regard to maintainability of the O.A. by drawing our attention to the designation of the applicant as mentioned in the O.A., to show that applicant is "Subedar Major" in the Office of Garrison Engineer, East Mathura, U.P.

3. It has been contended that the service matters of only those employees in the Ministry of Defence, who are posted on Civilian

posts, come under the jurisdiction of this Tribunal and the applicant being posted as Subedar Major in the Office of Garrison Engineer, East Mathura, U.P., this Tribunal has no jurisdiction to consider his case and the proper forum for him is Armed Forces Tribunal.

4. In this regard our attention has been drawn to section 2(a) of the Administrative Tribunals Act, 1985, to show that it clearly stipulates as follows :

**"2. The provisions of this Act shall not apply to**

**(a) any member of the naval, military or air forces or of any other armed forces of the Union;"**

5. As Section 2(a) referred above clearly mandates that the provisions of this Act shall not apply to any member of the naval, military or air forces or of any other armed forces of the Union, and the applicant in this O.A. is a Subedar Major in the Office of Garrison Engineer, East Mathura, U.P which is not a civilian post, the Central Administrative Tribunal has no jurisdiction to hear his case.

6. In view of the above, the O.A. is not maintainable due to lack of jurisdiction and is liable to be dismissed.

7. Accordingly, O.A. is dismissed for want of jurisdiction.

No order as to costs.

**(Tarun Shridhar)**  
**Member (A)**

**(Justice Vijay Lakshmi)**  
**Member (J)**

**HLS/-**