

CENTRAL ADMINISTRATIVE TRIBUNAL

MADRAS BENCH

Dated this the 24th day of July, Two Thousand Nineteen

PRESENT

The Hon'ble Mr.. T. Jacob, Member (A)

OA/310/01168/2018

1. M. Singaravalli
W/o. Late C. Muthurajan

2. M. Ragavi
D/o. Late C. Muthurajan
Both are residing at
No. 49, Jai Hanuman Nagar
Sevvapet, Thiruvur Post
Thiruvallur District – 602 025.
By Advocate **M/s. L. Chandrakumar**

... Applicants

1. Union of India
Rep. by its General Manager
Southern Railway
Park Town, Chennai – 600 003.

2. The Divisional Personnel Officer
Southern Railway, Park Town
Chennai – 600 003.

3. The Principal Chief Security Commissioner
Railway Protection Force, Chennai – 600 003.

4. The Senior Divisional Security Commissioner
Railway Protection Force, Chennai – 600 003.
By Advocate **Dr. D. Hariprasad**

... Respondents



ORDER

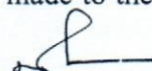
Pronounced by Hon'ble Mr. T. Jacob, Member(A)

The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“To call for records relating to the order of the 4th respondent made in Letter No. M/XP/269/CGA 14 dated 27.07.2015 and that of the 3rd respondent's order made in Letter No. XP/AWAC/2018 dated 06.04.2018, to quash the same and to consequently direct the respondents to consider the claim for compassionate appointment to the second applicant in any eligible post on merits and to pass such further or other order”

2. It is submitted that the applicant's husband was employed under Railway Protection Force. After death of the Government employee in harness, the applicant sought for compassionate appointment to the second applicant. The said request was rejected on the ground that the married daughter is not eligible for appointment on compassionate ground. Hence this OA.

3. Learned counsel for the respondents in the OA has raised a preliminary objection regarding the jurisdiction of this Tribunal over the Railway Protection Force organization and states that as per Section 2 of the Central Administrative Tribunals Act, 1985, the provision shall not apply to any member of Navy, Military or Air Forces or any other armed forces of Union, Railway Protection Force being one of the armed force of the Union. The matter relating to RPF does not come under the jurisdiction of Central Administrative Tribunal. Hence the respondents pray for dismissal of the OA as not maintainable on the point of jurisdiction. He further places reliance on the common order of this Tribunal in batch of OAs.766/2016, 960/2017 and 1312/2016, wherein reference has been made to the



decision of the Hon'ble High Court of Gujarat in the case of *Shiv Kumar Tiwari Vs. Union of India and others* in which it was held that as per the Railway Protection Force (Amendment) Act, 1985, the Railway Protection Force is an "armed force of the Union". The relevant portion of the said Judgement reads as follows:-

".....This cannot, in any way, take out the definition given in the Amended Act regarding the Railway Protection Force wherein it is stated that they will be "armed force of the Union". Section 10 will not, in any way, change the character of the staff of the Railway Protection Force being the armed force of the Union except deeming them as railway servants within the meaning of the Railways Act, 1890 for the purpose of exercising powers conferred on Railway Servants by or under that Act. Thus, it is only for this limited purpose the officers and members of the Railway Protection Force which is now armed force of the Union are deemed to be railway servants.

5. Section 2 of the Administrative Tribunals Act, 1985, clearly states 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;
- (b) any person governed by the provisions of the Industrial Disputes Act, 1947, in regard to such matters in respect of which he is so governed;
- (c) any officer or servant of the Supreme Court or of any High Court;
- (d) any person appointed to the secretarial staff of either House of Parliament or to the secretarial staff of any State Legislature or a House thereof or, in the case of a Union Territory having a Legislature, of that Legislature."

S.2(a) above referred to clearly states 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.

6. Thus, from the foregoing discussion, it is very clear that the petitioner who belongs to the Railway Protection Force comes under the category of "an armed force of the Union" and as such, the provisions of the Administrative Tribunals Act, 1985, will not be applicable to him. If that be so, there is no question of sending back the petition filed by him to the Administrative Tribunal and the said petition has to be dealt with on merits.



7. For all these reasons, we send back the Special Civil Application to the file of the learned single Judge for the purpose of disposal on merits."

4. Heard the learned counsel for the respective parties and perused the pleadings and documents on record.

5. It is not in dispute that Railway Protection Force is an armed force and the same is also upheld by the Hon'ble Gujarat High Court in the case cited supra. In its judgement dated 04-03-2013 in C.W.P No.6081/2012, the Delhi High Court also has stated as follows:

"The facts are that the RPF is an armed force of the Union, and governed by provisions of the Railway Protection Act ("the Act")."

An armed force is excluded from the jurisdiction of the A.T. Act and therefore, Railway Protection Force is not covered under the Administrative Tribunals Act, 1985. Further the Hon'ble High Court of Andhra Pradesh in similar matter dismissed the WP 13376/2004 thereby upholding that the members of the Railway Protection Force could not be treated as one of the departments of the Railway Board.

6. Having regard to the above facts and the decisions of the Hon'ble High Court (supra), the OA is not maintainable and is accordingly dismissed. No costs.