

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

T.A. No. 061/2322/2020

This the 14th day of October, 2020

HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J)
HON'BLE MR. ANAND MATHUR, MEMBER (A)

1. Mohd. Hazoor S/o Mohd. Sen R/o Village Krishna Ghar, P.O. Mankot Tehsil Mendhar, District Poonch.
2. Mohd. Arif S/o Gul Mohd. R/o Mankot Tehsil Mendhar, District Poonch.
3. Mohd. Said S/o Mohd. Sain R/o Village Krishaan Ghati Ghani Tehsil Mendhar, District Poonch.
4. Mohd. Syed S/o Gul Mohd. R/o Mankote Tehsil Mendhar District Poonch.
5. Kafil Ahmed S/o Nizarat Hussain R/o Mankote Tehsil Mendhar, District Poonch.

.....Applicants

(Advocate: Ms. Surinder Kour)

Versus

1. Union of India through Defence Secretary, Ministry of Defence, Government of Indian, New Delhi.
2. Director General of Ordinance Services, Master General of Ordinance Branch, Army Headquarter, DHQ, PO, New Delhi.
3. Commander Station Headquarter Sub Area Command, Rajouri.
4. Major General Officer Commanding Northern Command C/o 56 APO.
5. Commanding Officer, HQ 10 Infantry Division C/o 56 APO.



.....Respondents

(Advocate: Mr. Raghu Mehta)

ORDER

[O R A L]

Delivered by Hon'ble Mr. Rakesh Sagar Jain, Member (J): -



It is submitted by the learned counsel for the applicant as well as Mr. Raghu Mehta, learned counsel for respondents that the applicants are working under the control of Commanding Officer, HQ 10 Infantry Division, C/o 56 APO. As such, this Tribunal has no jurisdiction to hear the case. Contention of both the learned counsel for the parties has force and to be accepted. This Tribunal cannot assume jurisdiction in respect of any service matter pertaining to the 'Armed Forces' under the Act. We accordingly hold that this Tribunal is not vested with any jurisdiction to entertain any petition related to any service dispute in the Armed Forces.

2. In similar circumstances, the Bench of Armed Forces Tribunal, Jammu comprising of Hon'ble Mr. Justice Mohammad Tahir, Member (J) and Hon'ble Vice Admiral A.G.Thapliyal in TA No. 267 of 2017 (SWP No. 1188 of 2014) titled Bahadur Singh v/s Union of India vide order dated 25.03.2019 held that since the Tribunal does not have the jurisdiction to deal

with the matter, the case be sent back to the Registrar (Judicial), High Court of Jammu & Kashmir to be listed before the appropriate Bench.



3. Therefore, since this Tribunal has no jurisdiction to deal with the present case, this case be sent back Registrar (Judicial), High Court of Jammu & Kashmir at Jammu to place before the Hon'ble Bench for further orders.

4. Both the parties are directed to appear before the Registrar (Judicial), High Court of Jammu & Kashmir at Jammu on 19.11.2020.

(ANAND MATHUR)
MEMBER (A)

(RAKESH SAGAR JAIN)
MEMBER (J)

Manish/-