

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

T.A. No. 061/6473/2020

This the 4th day of October, 2020

HON'BLE MR. RAKESH SAGAR JAIN, MEMBER (J)
HON'BLE MR. MOHD JAMSHED, MEMBER (A)

1. Suresh Kumar S/o Sh Ram Singh R/o Village Dhob, Tehsil Shahpur, District Kngra, H.P. Aged 29 years.

.....Applicants

(Advocate: Ms. Surinder Kour)

Versus

1. Union of India through Home Secretary, Ministry of Home Affairs, Government of Indian, New Delhi.
2. Director General of B.S.F, CGO Complex, Lodhi Road, New Delhi.
3. Inspector General of BSF, Frontier Headquarter, Paloura Camp, Jammu..
4. Dy. Inspector General of BSF, S.T.C. BSF Udhampur.
5. Additional D.I.G. Commandant S.T.C. BSF Udhampur.
6. Dy. Inspector of BSF, Paloura Camp, Jammu.

.....Respondents

(Advocate: Mr. Sudesh Magrotra DAG)



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. Sudesh Magotra, DAG, learned counsel for respondents that the applicant is a Cook in B.S.F and as per CAT Act, BSF does matter does not fall within the jurisdiction of CAT. 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 19.01.2021.

(MOHD JAMSHED)
MEMBER (A)

(RAKESH SAGAR JAIN)
MEMBER (J)

Mks/-