

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

T.A. No. 61/7903/2020

This the 12th day of January, 2021



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

Subash Chander, Age-44 years, S/o Late Baru Ram, R/o Ward No. 2,
Bishnah, Jammu

.....Applicant

(Advocate: Mr. Vivek Sharma)

Versus

1. State of Jammu and Kashmir, through its Commissioner/Secretary,
Home Department, Civil Secretariat, Jammu, (J&K).
2. Director General of Police, J&K., Jammu.
3. Senior Superintendent of Police, Jammu.
4. Deputy Superintendent of Police Line, Jammu.

.....Respondents

(Advocate: Mr. Amit Gupta, Id. Additional Advocate General)

O R D E R

[O R A L]

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

The present TA has been received by way of transfer from Hon'ble High Court of J&K at Jammu. It is submitted by the learned counsel for the applicant as well as Mr. Amit Gupta, learned A.A.G. for respondents that the applicant was engaged as Special Police Officer (SPO) and it is not a civil post. As such, this Tribunal has no jurisdiction to hear the case.



2. Contention of both the learned counsel for the applicant and learned A.A.G. has force and it is to be accepted. Post of Special Police Officer is not a civil post and it has not been brought within the jurisdiction of this Tribunal by notification to be issued by the Central Government under Section 14 (2) of the Administrative Tribunal Act, 1985.

3. 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.

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

5. Both the parties are directed to appear before the Registrar (Judicial), High Court of Jammu & Kashmir at Jammu on 18.02.2021.

(ANAND MATHUR)
MEMBER (A)

(RAKESH SAGAR JAIN)
MEMBER (J)

Arun