

NEW DELHI

1986

DATE OF DECISION 16.12.86

Applicant's
Petitioner
XXXXXXXXXXXX

Applicant
Advocate for the Retitioner(s)

Versus

Respondent

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. Kaushal Kumar, Member(Administrative)

The Hon'ble Mr. D.Surya Rao, Member(Judicial)

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Yes*
2. To be referred to the Reporter or not ? *Yes*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *No*
4. Whether to be circulated to all the Benches ? *Yes*

(D. Surya Rao)
Member(J)
16.12.86

(Kaushal Kumar)
Member(A)
16.12.86

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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

REGN. NO. OA 1124/86

Dated: 16.12.1986

Shri Pan Singh

----- Applicant

Vs.

Director General,
Central Industrial Security Force
(Ministry of Home Affairs)

--- Respondents

CORAM: Shri Kaushal Kumar, Member(Administrative)
Shri D.Surya Rao, Member(Judicial)

For the Applicant

--- Shri Gaj Raj Singh, counsel.

For the Respondents

----- None.

(Judgement of the Bench delivered by Shri Kaushal Kumar, Member)

The applicant was a Constable working in the Central Industrial Security Force(CISF) at Rourkela Steel Plant. In this application under Section 19 of the Administrative Tribunals Act, 1985, he calls in question his removal from service vide order dated 8.5.1986 passed by the Commandant (Plant), CISF Unit Rourkela Steel Plant which was confirmed on appeal by the Deputy Inspector General CISF Unit Rourkela Steel Plant vide his order dated 10.7.1986. 2. The Central Industrial Security Force is constituted under Section 3 of the CISF Act, 1968(Act No.50 of 1968). Section 3 reads as follows:-


" 3. Constitution of the Force:-(1) There shall be constituted and maintained by the Central Government an armed force of the Union to be called the Central Industrial Security Force for the better protection and security of industrial undertakings owned by that Government

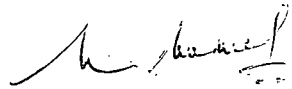
Whatever may have been the nature of that force earlier, after the amendment of the Act under Section 14 of the CISF(Amendment) Act No.14 of 1983, CISF is constituted as an 'armed force of the Union'.

3. Section 2(a) of the Administrative Tribunals Act declares that provisions of the said Act shall not apply to any member of the naval, military or air force or

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of any other armed force of the Union. The applicant who is admittedly a Constable of the CISF Unit at Rourkela is, therefore, a member of an armed force of the Union. Though his grievance relates to removal from service and constitutes a "service matter" within the meaning of Section 2(q) of the Administrative Tribunals Act; inasmuch as he is a member of the 'Armed Force of the Union', the Act itself does not apply to him. This Tribunal has, therefore, no jurisdiction to entertain his grievance under Section 19 of the Act. This application does not lie before this Tribunal and must, therefore, be returned for presentation to such court or Tribunal as may have jurisdiction in this behalf. Application be returned to the applicant for presentation before the appropriate forum.


(D. SURYA RAO.)
MEMBER(J)
16.12.86


(KAUSHAL KUMAR.)
MEMBER(A)
16.12.86