

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No.1148/93.

(14)

New Delhi, this the 19th day of January, 1994.

SHRI J.P.SHARMA, MEMBER (J).

Shri S.R. Rao,
son of Late Shri S. Venkat Rao,
resident of E-8/2, M.S.Flats, R.K.Puram,
New Delhi,
Joint Director,
ARC Headquarters,
New Delhi.Applicant

(By advocate: Shri N. Ranganathasamy)

VERSUS

1. Union of India, through
The Cabinet Secretary,
Cabinet Secretariat,
Govt. of India, R.K.Puram,
East Block, New Delhi.
2. Director General of Security,
Cabinet Secretariat,
East Block-V, R.K.Puram,
New Delhi-110066.
3. Director, ARC,
Directorate General of Security,
Cabinet Secretariat,
East Block-V, R.K.Puram,
New Delhi-110066.
4. The Director of Accounts,
Cabinet Secretariat,
East Block-V, R.K.Puram,
New Delhi-110066.
5. The Secretary,
Ministry of Personnel, Training & Pensions,
North Block, New Delhi.Respondents

(By advocates: Shri P.H.Ramchandani,
along with Dr. J.C.Madan)Respondents

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The applicant is an exserviceman and was initially appointed as Pilot Officer in the Indian Air Force. He came on deputation to A.R.C. in the Cabinet Secretariat on 15-1-1970 on the post of Assistant

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Director (Photo). He got his due promotion in the Air Force service as Squadron Leader and thereafter as Wing Commander. He completed 20 years and so of service on 21-7-1979 and he retired from the service of air force on 31-7-1979 and was fixed in the pension of Rs.830 per month. He was re-employed as a pensioner in the A.R.C. on the same post w.e.f. 1-8-79 in the scale of Rs.1100-1600.

2. The relief claimed in the present applicant is for grant of dearness relief on the pension w.e.f. 1-1-86 onwards. He also claims 12 per cent interest on the aforesaid amount. A notice was issued to the respondents to file their reply who contested the grant of relief on a number of grounds, to which the applicant has also filed the rejoinder.

3. The matter was taken up on 17-1-94 when the counsel for the parties were heard and a point of jurisdiction of the Central Administrative Tribunal was taken in view of the Full Bench decision. The Administrative Tribunals Act, 1985 (hereinafter called the Act), by virtue of Section 2(a) bars the jurisdiction of the Tribunal and lays down that the Act is not to apply to any member of the naval, military or air force or any other armed forces of the Union. Further, under Section 14, sub-clause III of the Act, the jurisdiction of the Tribunal with regard to the army personnel is barred. In the case of K. NARAYANAN ALIAS SWAMY NARAYANANANDA SARASWATHY V. UNION OF INDIA -O.A. No.939 of 1991, decided on 12-3-92, the Full Bench considered this aspect after

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framing the following three issues :--

" (a) Whether a person who retired as a member of an Armed Force of the Union without being reemployed in a civilian wing of the Union can approach the Tribunal about his pension in the Armed Force to be sanctioned by that Force and claim jurisdiction of the Tribunal on the ground that having retired or otherwise severed connections with the Armed Force of the Union like the CRPF he at the time of applying to the Tribunal as in the instant case before us is no longer a member of the Armed Force of the Union.

(b) Whether a person who having retired as a member of Armed Force of the Union and getting absorbed thereafter in a civilian wing of the Union falling within the jurisdiction of the Tribunal, can approach the Tribunal while in service in that civilian wing or after retiring from the civilian wing, to seek retiral benefits by getting his service as an erstwhile member of the Armed Force of the Union added to his civilian service for the purpose of retirement benefits to be sanctioned by the civilian Department (where he was re-employed and absorbed) with the consent of the Armed Force.

(c) Whether a person having retired as a member of any Armed Force of the Union like the GREF or CRPF and absorbed in a Public Sector Undertaking like the Cochin Shipyard which has not been notified for being brought under the jurisdiction of the Tribunal can approach the Tribunal for getting his service as a member of the Armed Force reckoned for purpose of retirement benefits as has happened in T.A.K. 760/87 referred to above. "

4. After giving detailed reasoning, the Tribunal held that there is no jurisdiction with regard to armed personnel by reason of Sectio 2(a) of the Act. That Full Bench decision is binding since in this case, the applicant wants the relief with regard to the pensionary benefits he has earned by virtue of the service he has rendered as a member of the Indian Air Force.

5. The application, therefore, does not lie within

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the jurisdiction of this Tribunal and shall be returned to the applicant for presentation to the proper court. The application is disposed of accordingly. No costs.

J. P. Sharma

(J.P.SHARMA)

MEMBER(J)

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