

**0CENTRAL ADMINISTRATIVE TRIBUNAL
JAMMU BENCH, JAMMU**

Hearing through video conferencing

T.A. No. 61/1453/2020

This the 6th day of April, 2021

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



Sh. Ab. Razak age 44 years S/o Late Sh. Mohd. Shafi R/o Village Jamola, Tehsil
Kotranka District, Rajouri.

.....Applicant

(Advocate:- Mr. R.K.S. Thakur)

Versus

1. State of Jammu and Kashmir through Commissioner-cum-Secretary, Home Department, J&K Govt. Civil Sectt. Jammu.
2. Director General of Police, J&K Govt, Gulshan Ground, Jammu.
3. Inspector General of Police, Jammu.
4. Deputy Inspector General of Police, Rajouri-Poonch Range, Head Quarter, Rajouri.
5. Sr. Superintendent of Police, Rajouri.
6. Dy. Superintendent of Police (ops) Rajouri.

.....Respondents

(Advocate: Mr. Amit Gupta, learned A.A.G.)

**ORDER
[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 A.A.G. for respondents that the applicant was engaged as Special Police Officers (SPO) and it is not a civil post. As such, this Tribunal has no jurisdiction to hear the case.

2. Contention of learned A.A.G. has force and it is to be accepted. Post of Special Police Officer is not a civil post and this Tribunal has no jurisdiction to deal with the present case.



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 30.04.2021.

(ANAND MATHUR)
MEMBER (A)
JNS

(RAKESH SAGAR JAIN)
MEMBER (J)