

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

Dated: Allahabad, the 28th day of February, 2001.

Coram: Hon'ble Mr. S. Dayal, Member (A).

ORIGINAL APPLICATION NO. 487 OF 1999

Kitab Singh,
s/o Mehi Lal,
r/o village Peeharpur,
Post Office Kukawali,
District Etawah.

. Applicant

(By Advocate Sri V.B.L. Srivastava)

Versus

1. Union of India, through the Secretary,
Ministry of Defence,
New Delhi.
2. The Director General,
Directorate of Border Road (GREF),
Vihar Kashmiri House,
New Delhi.
3. The Commanding Officer,
previously 76 Road Construction Company
c/o 74 Road Construction Company (GREF).

. . . Respondents.

(By Advocate Sri D.S. Shukla)

O R D E R (ORAL)

(By Hon'ble Mr. S. Dayal, AM)

This application under Section 19 of the Administrative (Tribunals) Act, 1985 has been filed for a direction to the Respondents to count his previous service in Artillery for the purposes of determination and setting aside order dated 27.6.92, rejecting such

Contd..2

a claim. A direction is also sought to re-fix the applicant's pension taking into consideration the applicant's previous services in Artillery and make payment of the balance amount.

2. The respondents have filed counter affidavit in this case and have raised the issue that the Central Administrative Tribunal has no jurisdiction in the matter as General Reserve Engineer Force is an integral part of the Armed Forces, as decided by Hon'ble Supreme Court in the case of R. Biswan and others Vs. Union of India (Supra) AIR 1983, SC 658. It has also been mentioned that Hon'ble Supreme Court in Union of India Versus Vidyawati, SLP (C) No.8096 of 1995 have held that GREF is a part of Armed Forces and the Tribunal has no jurisdiction on the matter connected with GREF.

3. I have heard Sri R.P.Singh, proxy counsel for Sri V.B.L. Srivastava, learned counsel for applicant and Sri D.S. Shukla for Respondents. The learned counsel for the applicant stated that as per definition of ex-servicemen given in the Notification No. F-14/26/64-E dated 11.10.66, the General Reserve Engineer Force have been excluded from the Armed Forces and this was affirmed by the Notifications issued from time to time.

4. I have considered the rival contentions and also seen Annexure No. RA-1. It appears that GREF stood excluded in defining the organisation the members of which could be treated as ex-servicemen till 1979. But, thereafter, the clause excluding the GREF is not shown to have been included in the Notification mentioning the definition of ex-servicemen.

Contd..3


3.

5. The learned counsel for Respondents has drawn attention to Paragraph -9 of the judgment of the Apex Court in R. Biswan Vs. Union of India (Supra) which lays down the law as follows:-

" It is abundantly clear from these facts and circumstances that GREF is an integral part of the Armed forces and the members of GREF can legitimately be said to be members of the Armed Forces within the meaning of Art.33."

6. In the above circumstances, it is clear that the Tribunal will have no jurisdiction in a case pertaining to a member of G.R.E.F. The Application is, therefore, dismissed on the ground that this Bench of the Tribunal lacks jurisdiction in the instant case.

There shall be no order as to costs.


(S. DAYAL)
MEMBER (A)

Nath/