

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 10th day of January 2003.

Original Application no. 1241 of 2002.

Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman
Hon'ble Maj Gen K.K. Srivastava, Administrative Member.

Rachpal Singh, S/o Sri Resham Singh,
Central Industrial Security Force (CISF),
Unit R.H.P.P. Pipre Post-Tura,
Distt. Sonbhadra (UP).

... Applicant

By Adv : Sri A Singh

Versus

1. The Union of India, through Director General,
Central Industrial Security Force,
13, C.G.O.S. Complex Lodhi Road,
New Delhi.
2. The Deputy Inspector General,
Central Industrial Security Force,
Eastern Zone Headquarters Baring Road,
Patna.
3. The Commandant, Central Industrial Security Force (CISF),
Unit, S.S.T.P. Shakti Nagar,
Distt. Sonbhadra (UP).
4. The Assistant Comandant, N.C.L., Singrauli (UP).

... Respondents

Sri R.C. Joshi
By Adv : Sri V.K. Pandey

ORDER

Hon'ble Mr. Justice R.R.K. Trivedi, Vice-Chairman.

Heard Sri A. Singh, learned counsel for the applicant
and Sri V.K. Pandey, larned counsel for the respondents.

2. Learned counsel for the respondents has raised preliminary
objection that the applicant is member of Armed Forces known as

Central Industrial Security Force (in short CISF) and this O.A. is not legally maintainable in this Tribunal in view of the provision contained under ~~Rule 21~~ ^{Section 2(a)} of A.T. Act, 1985. However, Learned counsel for the applicant, on the other hand, submitted that on 14.11.2002 this question was raised, but the Court prima-facie felt that the applicant is civilian employee and the OA is maintainable.

3. Learned counsel for the respondents, however, invited out attention to the impugned order, which clearly shows that the order of termination has been passed under Rule 21 read with Rule 26 (1) of CISF Rules 2001, the rank of the applicant is of Head Constable in the CISF Organisation. It clearly shows that the applicant is member of Armed Forces, and not governed by the provisions contained ~~under~~ ⁱⁿ CCS (CCA) Rules 1965, which is applicable to the civilian employees of the Armed Forces.

4. Considering the matter in this light, the submission made by learned counsel for the respondents appears to be justified. The applicant initially joined as constable, he was promoted as Head constable, merely because he has served as driver, ~~it~~ ^{he} cannot be said that he has ceased to ~~work as~~ ^{hold the post of} Head constable.

5. In the circumstances, this OA is not maintainable before this Tribunal. The OA is accordingly dismissed, with no order as to costs.

Member (A)

Vice-Chairman