

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 11th day of November, 2003.

QUORUM : HON. MRS. MEERA CHHIBBER, J.M.

O.A. No. 1359 of 2003

Akhileshwar Prasad Singh S/O Madan Mehan Singh R/O Village
and Post Office Dehara, Tehsil Dumura, District Sitamarhi,
State of Bihar.....

.....Applicant.

Counsel for applicant : Sri H.M. Srivastava.

Versus

1. Union of India through Secretary Defence, Ministry of Defence, New Delhi.
2. Chief of the Army Staff, Indian Army, New Delhi.
3. President, Medical Board, Sainik Aspatal, Kirkee, Pune,
In the state of Maharashtra.
4. Chief of Controller Defence Account (Pension), Allahabad.

.....

..... Respondents.

Counsel for respondents : Sri R.C. Joshi.

ORDER (ORAL)

BY HON. MRS. MEERA CHHIBBER, J.M.

S This O.A. has been filed by the applicant, who was working in the rank of L/Havaldar and was given No. 14471 747 M. His grievance is that even though he was given retirement on medical ground but till date he has not been paid disability pension. Perusal of the petition shows that applicant is a member of Army as he is having the rank and number allotted by the Army.

2. Section 2 of the A.T. Act, 1985, for ready reference, reads as under :-

"2. Act not to apply to certain persons. - The provisions of this Act shall not apply to -

(a) Any member of the naval, military or air force or of any other armed forces of the Union;"



3. Since applicant is a member of the military, therefore, this case is not maintainable in the Tribunal as members of military are specifically excluded by Section 2 of A.T. Act, 1985. This O.A. is, therefore, dismissed as not maintainable. The applicant is ^{however} given liberty to approach the appropriate forum for redressal of his grievance.

No order as to costs.



J.M.

Asthana/