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OA No.231 of 2009

Dinabandhu Behera Applicant

Vs

Union of India & Ors. ... Respondents

Order dated 06-05-2011.

C O R A M

THE HON'BLE MR. C.R.MOHAPATRA, MEMBER (ADMN.)

AND

THE HON'BLE MR.A.K.PATNAIK, MEMBER (JUDL.)

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The Applicant was a RPF Constable under the Respondents. He having been declared medically de-categorized was posted as Peon in Medical Department of the Railway vide order dated 10.4.2008 (Annexure-A/3) issued by Sr. Divisional Security Commissioner/RPF, ECoRly, Khurda Road. In this Original Application he has sought to quash this order under Annexure-A/3, to direct the Respondents to absorb him against Gr. C post, to direct the Respondent No.4 to pay him all arrear salary w.e.f. 11.4.2008 (including arrears of pay on the basis of the 6th pay recommendation) and to direct the Respondent No.4 to treat the period from 16.3.2005 to 26.12.2005 as duty. Respondents have filed their counter raising preliminary objection of maintainability of this OA. According to them the Railway Protection Force comes within the definition of Armed Force and as such is not amenable to the jurisdiction of this Tribunal. On

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merit also the Respondents objected to the grant of the relief claimed by the Applicant in this OA.

2. Heard Learned Counsel for both sides and perused the materials placed on record. Admittedly the Applicant was a constable in the RPF and he challenges the order under Annexure-A/3 dated 10.4.2008 issued by the Sr. Divisional Security Commissioner/RPF, ECoRly, Khurda Road. In terms of section 2 of the A.T. Act, 1985, armed forces are excluded from the jurisdiction of this Tribunal. Hence without going to the merit of this matter this OA stands dismissed for being without jurisdiction. If the applicant is so advised, he may approach the appropriate forum as per law.


(A.K.PATNAIK)
Member (Judicial)


(C.R. MOHAPATRA)
Member (Admn.)