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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 260/00173 OF 2015
Cuttack this the 9th day of April, 2015

CORAM
HON'BLE MR. A.K. PATNAIK, MEMBER (J)

Sri Bhikari Charan Behera,
aged about 58 years,
S/o. G.D. Behera,
Vill: Puruna Chatrapur,
P.S.Chatrapur, Dist:Ganjam.

...Applicant

(Advocates: M/s. P.K. Satpathy, K.C. Panda)

VERSUS

Union of India Represented through

1. General Manager,
East Coast Railway,
At:Rail Vihar, Chandrasekharpur,
Bhubaneswar, Dist-Khurda.
2. I.G. and C.S.C. Railway Police Force,
East Coast Railway,
Chandrasekharpur,
Bhubaneswar, Dist-Khurda.
3. Divisional Security Commissioner, R.P.F.,
East Coast Railway,
Sambalpur, At/P.O./Dist:Sambalpur.

... Respondents

(Advocate: Mr. T. Rath)

ORDER (ORAL)

A.K.PATNAIK, MEMBER (J):

Applicant is presently working as Sub-Inspector under the R.P.F. In this Original Application, he has assailed the order dated 31.03.2015(Annexure-A/1) whereby he has been transferred from BR GA/OP to CR by ignoring his preference for periodical transfer. It reveals from Annexure-A/1 order that this has been issued by the Deputy Security Commissioner, R.P.F., East Coast Railway, Sambalpur, who is Respondent No.3 in this O.A.

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2. Heard Mr. P.K. Satpathy, Learned Counsel for the Applicant and Mr. T. Rath, Ld. Standing Counsel appearing for the Respondents-Railway and perused the records.

3. Before considering the question of admission, I feel it expedient to at first take a view on the point of maintainability of this O.A. In this connection, Section-2 of AT Act, 1985, which is relevant reads as under:-

Act not to apply to certain person.

The provisions of this Act shall not apply to –

(a) Any member of the Naval, Military or Air Forces or any other Armed Forces of the Union;

4. Undoubtedly, applicant is serving as Sub-Inspector and the impugned transfer order has been issued by the Divisional Security Commissioner, R.P.F. Therefore, applicant comes under the proviso "***any other Armed Forces of the Union***" under Section-2 (a) of AT Act, 1985.

5. From the above, I am of the considered view that the applicant being a member of the Armed Forces of the Union, the present O.A. is not maintainable before this Tribunal. Accordingly, without going into the merit of this matter this O.A. stands dismissed being not maintainable. No costs.


(A.K.PATNAIK)
MEMBER(J)