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CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

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ORIGINAL APPLICATION NO. 55/2003

THURSDAY, THIS THE 20TH DAY OF FEB., 2003.

SHRI J. K. KAUSHIK MEMBER (J)

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Chandra Prakash Kanwar S/o Shri Ram Lal Ji, aged 47
Years, Resident of Harijan Basti, Ratanada, Bhati
Choraha, Jodhpur (Raj).

[By Advocate Shri K.K. Shah] ...Applicant

v/s



1. Union of India through the Secretary, Border Roads Development Board, Sena Bhawan (Ministry of Defence) New Delhi.
2. Director General, Border Roads, Kashmir House, New Delhi.
3. Chief Engineer (Project Chetak), BRTF (GREF), Bikaner (Rajasthan).
4. Commandant, GREF, Records (Centre), Dighi Camp, Pune 15 (Maharashtra).
5. Commanding Officer, 45 BRTF (GREF), Paota B Road, Jodhpur (Rajasthan).

...Respondents

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O R D E R

BY THE COURT :

Shri Chandra Prakash Kanwar, has filed this Original Application under Section 19 of the Administrative

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Tribunals Act, 1985 and has assailed the order dated 15th January, 2003 by which he has been ordered to be transferred from Jodhpur to Teen Sukhia in Assam.

2. The applicant is presently working in 45 BRTF, (GREF), on the post of Driver at Jodhpur. The General Reserve Engineering Force (for bravity 'GREF'), was instituted vide letter dated 16th June, 1960 by the Secretary, Border Road Developoment Board and it is a force raised and maintained under the Central Government.

*of A.T. Act, 1985,
The same falls in exception to Section 2 (A) as Armed Forces of the Union and this Tribunal does not have jurisdiction in the matter. This proposition has already been settled by a Full Bench of this Tribunal in Kunju Krishna Pillai versus Union of India and Others reported in 1986 ATC 453. The Judgement of the Full Bench has been based on the verdict of Hon'ble the Supreme Court in R. Viswan Versus Union of India reported in AIR 1983 3C 658, wherein, it has been clearly held that members of GREF are members of the Armed Forces under Article 33 of the Constitution of India. Thus, the issue regarding jurisdiction in relation to the GREF stands settled up-to the highest Court of this country.*

3. In the result, the Original Application cannot be entertained by this Tribunal. The same is hereby dismissed. It is scarcely necessary to mention that the applicant would be at liberty to seek appropriate remedy before an appropriate forum as he may be advised. The

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Registry is directed to return the extra sets to the learned counsel for the applicant.

J.K. Kaushik
[J.K. Kaushik]
Judicial Member

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