

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.598/1999

Tuesday this the 16th day of November, 1999

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

V.Krishnan,
S/olate Krishnan,
Kudakkatte House,
Vattamkulam PO,
Pin.679 578
Malappuram District.

...Applicant

(By Advocate Mr. P.Chandrasekhar (rep.))

V.

1. The Union of India, represented by
Secretary, Ministry of Defence,
New Delhi.
2. The Controller of Defence
Accounts (Pension)
Allahabad.
3. The Commandant, EME Centre,
Vaydyuth and Yantrik
Inginiyari Abhilekh Karyalaya,
EME Records,
Secunderabad.500 021.
4. The Major, Senior Record Officer,
EME Records,
Secunderabad.

...Respondents

(By Advocate Mr.Govindh K Bharathan, SCGSC)

The application having been heard on 16.11.1999, the
Tribunal on the same day delivered the following:

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ORDER

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant who was medically invalidated due to Idiopathic Epilepsy while he was in Army Service has filed this application challenging the Order dated 23.9.77 (A.II) and order dated 11.12.99 (A.V) by which his claim for pension was negatived.

2. When the application came up for hearing on admission on 16.6.99 the question whether this Tribunal has jurisdiction in the matter as the applicant belonged to Army Force and was subject to Army Act and Rules were not adverted to and consequently the application was admitted leaving the question of limitation open to contest. As the question of jurisdiction having come to our notice, the matter was again been placed before the Bench to hear the counsel. In the meanwhile the learned Sr. Central Government Standing Counsel appearing for the respondents stated that a reply statement was presented by him has been returned for rectification of certain errors. He further states that the contention that the subject matter of the application do not come within the jurisdiction of this Tribunal has been taken by the respondents in the reply statement.

3. We have heard the learned counsel on this question. Going by the averments in the application it is thus evident



that the applicant enrolled in the Army and was subject to Army Act and Rules. According to Section 2(a) of the Administrative Tribunals Act, the provisions of the Act would not apply to a member of Navy, Military or Air Force or any of the armed forces of the Union. The applicant was a member of the Military Service admittedly and therefore the Tribunal has no jurisdiction to entertain this application regarding his grievance arising out of his service in the Military. The order of admission, is therefore, recalled and the application is rejected for want of jurisdiction. However, the applicant is free to move the appropriate forum for the appropriate relief in accordance with law. No order as to costs.

Dated this the 16th day of November, 1999



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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