

(A5)

Central Administrative Tribunal, Allahabad

Circuit Bench at Lucknow.

Registration Comm. No. 26 of 1989 (L)

Brif Lal Applicant

Versus

Union of India & Others Opposite Parties.

Hon. Justice Kamleshwar Nath, V.C.

Hon. K. Chayya, A.D.

This application under Section 19 of the Administrative Tribunals Act XIII of 1985 is for issue of a direction to the opposite parties to grant pension to the applicant.

2. A question of jurisdiction of this Tribunal arose and the applicant was required to show how the Tribunal has jurisdiction. Appearance has not been made by any person on behalf of the applicant.

3. According to the statement of facts contained in the application, the applicant was appointed as a Sepoy Police in the Army Police and was in active military service. It is stated that he was promoted as A.C.A.M. and had been awarded distinction on account of active service in certain wars during World War II. However, on 11.12.53 he was discharged from the service of A.C.A.M. (II) with the remark that being surplus to the establishment his services were no longer required. It is further said that the applicant had been granted war gratuity and service gratuity but had not been granted any pension.

4. It appears to us that the claim of the applicant is

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in his capacity as a Member of the military force of this country and therefore the provisions of the Administrative Tribunals Act, 1985 cannot be made applicable to him in view of Section 2 (a) of the Act. The Tribunal has therefore no jurisdiction.

5. The application is dismissed as beyond jurisdiction; it will be open to the applicant to move to the competent authority in the matter.

Member (A)

Vice Chairman

Dated the 26th Sept., 1989.

RKM