

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
LUCKNOW BENCH

Original Application No.319/2005.  
This the day of 14<sup>th</sup> July 2005.

HON'BLE MR. JUSTICE S.R. SINGH, VICE CHAIRMAN.  
HON'BLE MR S.P. ARYA, MEMBER (A).

Neeraj Choudhary, aged about 27 years, Son of Sri -----X-----  
Resident of 204, Prem Nagar, Alambagh, Lucknow.

...Applicant.

By Advocate: None.

Versus.

1. Union of India through, Secretary, Ministry of Home Affairs, Government of India, New Delhi.
2. Commandant (S.S.B.), Directorate General, Border Security Force, Ministry of Home Affairs, Government of India, New Delhi.
3. Union Public Service Commission, New Delhi, through its Secretary.
4. Deputy Inspector General, B.S.F., Special Selection Board (C.P.F.), Directorate General, Border Security Force, Lodi Road, New Delhi.

...Respondents.

By Advocate: Shri S.P. Tripathi for Respondents No.2 and 4.

Shri Raj Singh for Respondent No.3.

ORDER (ORAL)

BY HON'BLE MR. JUSTICE S.R. SINGH, VICE CHAIRMAN.

1. None appeared on behalf of the applicants. We have heard the Learned counsel for the respondents and perused the O.A. Learned counsel for respondents has raised Preliminary

*Q.B.9*

objection about the maintainability of the O.A. on the ground that the Administrative Tribunal Act, 1985 does not apply to any member of Naval, Army and Air Force <sup>or 2</sup> "any other Armed Forces of the Union". Learned counsel for respondents submits that the post of Assistant Commandant in Border Security Forces is a post falling within the purview of expression "Armed Forces of the Union".

2. In view of Sub <sup>Section 2</sup> Rule-2 of Section 2 of the Administrative Tribunal Act, 1985 the matter does not fall within the purview of this Tribunal. We find substances in the Preliminary objection raised by the learned counsel for the respondents and accordingly, dismiss the O.A. as not maintainable without prejudice to the right of the applicant to approach the appropriate Forum for redressal of his grievance. No costs.

SP Arya  
(S.P. ARYA)  
MEMBER (A)

S.R. Singh  
(S.R. SINGH)  
VICE-CHAIRMAN

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