

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY.

Original Application No.17/85

Shri Balsaram Tilkuram,
Ghorpadi,
Aagwali Chawl,
Zopadpatti,
Pune-411 001.

... Applicant.

V/s.

1. The Union of India,
2. The General Manager,
Central Railway,
Bombay.
3. The Chief Security
Officer, Central
Railway, Bombay.

... Respondents.

Coram: Vice-Chairman B.C.Gadgil

Dated: 6.6.1986

Member P. Srinivasan.

Tribunal's Orders:

This is an application under Section 19 of Central Administrative Tribunals Act. The applicant is a Senior Rakshak appointed under the Railway Protection Force Act, 1957. After holding a Departmental Enquiry the concerned authority inflicted a punishment of reduction in rank for a period of 2 years without cumulative effect. His departmental appeal against this decision proved fruitless and hence he has filed the present application challenging the said punishment.

This matter was called upon for hearing on 5.6.1986. We adjourned the matter till today as the Advocates wanted to advance arguments on the question as to whether the applicant is a member of an "Armed force of the Union". This Tribunal would not have any jurisdiction if he is a member of such a Force.

We heard Mr.Dharne for the applicant. Mr.R.L.Batwal, Office Supdt. of the Respondent is also present. The Railway protection Force was constituted under the Railway Protection Force Act, 1957. It is not in dispute that the applicant is a member of such a force. Section 3 of the said Act as originally enacted provides that the Central Government shall constitute and maintain a force of the Union to be called the Railway Protection Force. This was the wording of the section before Amending Act No.60 of 1985 was passed. The said section

Be

...2.

3 has been amended in 1985. The amended sub-section(1) reads as follows : "Sub-section 3(1): There shall be constituted and maintained by the Central Government an armed force of the Union to be called the Railway Protection Force for the better protection and security of the Railway property". This amendment has come into force from 20th of September, 1985. Section (2) of the Central Administrative Tribunal Act, 1985 provides that the said Act will not apply to certain persons. A member of the Naval, Military or Air Force or of any other armed force of the Union is excluded from the operation of the Act. The Railway Protection Force is, after the amending act on 1985, an armed force of the Union and consequently it will not be possible for the applicant to invoke the jurisdiction of the Tribunal for getting redressal of his grievance. Thus this Tribunal ~~will~~ will not have jurisdiction to entertain the dispute in question. Consequently the application is liable to be dismissed on that ground.

The application is dismissed with no orders to cost.

Received copy
CASHAW
Adv. for applicant
6/6/86.

B.C. Gadgil
(B.C. GADGIL)
Vice-Chairman

P. Srinivasan
(P. SRINIVASAN) 6/6/86
Member

