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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI
NEW BOMBAY BENCH

O.A. No. 547/88

198

Exx No

DATE OF DECISION 24.10.1988

Shri Anand Kashiram Sapkale

Petitioner

Advocate for the Petitioner(s)

Versus

Director General, Coast Guard HQ, Respondents
New Delhi and another.

Shri V.S. Masurkar

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. M.B. Mujuumdar, Member (J)

The Hon'ble Mr. P.S. Chaudhuri, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes

2. To be referred to the Reporter or not?

3. Whether their Lordships wish to see the fair copy of the Judgement?

4. Whether it needs to be circulated to other Benches of the Tribunal?

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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH, NEW BOMBAY 400 614

OA. NO. 547/88

Shri Anand Kashiram Sapkale,
C/o. R.D.Barde, Advocate,
183, Navi Peth, Jalgaon.

Applicant

V/S.

1. The Director General,
Coast Guard Head Quarter,
E-Block, New Delhi.

2. Leut. Commander,
Regulating Officer, for C.O.M.
C.G.(West) Sir Poch Khanwala
Road, 25, Prabhadevi Worli,
Bombay.

Respondents

CORAM: Hon'ble Member (J) Shri M.B.Mujumdar
Hon'ble Member (A) Shri P.S.Chaudhuri

ORAL JUDGMENT

Dated: 24.10.1988

(PER: M.B.Mujumdar, Member (J))

Neither the applicant nor his advocate is present. However, respondents have filed their reply opposing admission and we have also heard Mr.V.S.Masurkar, learned advocate for the respondents.

2. On the last date also neither the applicant nor his advocate was present. However, we then directed the respondents to clarify as to whether the applicant was a Member of one of the Armed Forces of the Union.

3. Accordingly, the respondents have filed an affidavit of Shri A.K.S.Chauhan, Deputy Commandant in the Office of the Coast Guard Region (West) at Worli, Bombay. He has stated therein that as the applicant is a Member of an Armed Force of the Union, this Tribunal will have no jurisdiction. Mr. Masurkar took us through the Preamble and some of the provisions of the Coast Guard

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Act, 1978. We are convinced in view of the Preamble and Section 4 (1) of the said Act that the applicant who was working as a Navik in the Coast Guard was a Member of an Armed Force of the Union.

4. In the application the applicant has challenged the order passed on 21.7.1986 by Lt. Commander K.P. Singh by which he was sentenced, inter alia, to rigorous imprisonment for a period of two months and dismissal from Coast Guard service. The order was obviously passed after the Administrative Tribunals Act came into force.

5. We are, therefore, of the view that in view of Section 2 of the Administrative Tribunals Act we would have no jurisdiction to entertain and decide the application. The application is, therefore, rejected for want of jurisdiction with no orders as to costs.

(M.B. MUJUMDAR)
Member (J)

(P.S. CHAUDHURI)
Member (A)

P. Chaudhuri