

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH.

Tr Application No.14/86.

1. Shri Chandan Thakare

... Applicant

V/s.

1. Union of India,

2. The Secretary,
Ministry of Defence,
Union of India,
Secretariat,
New Delhi.

3. The Director General Resettlement,
Ministry of Defence, Army
Headquarters, Moulana Azad Road,
New Delhi. 110 001.

... Respondents

Coram: Vice-Chairman B.C.Gadgil.

Member P. Srinivasan.

1. Shri R.G.Naikwada,
Advocate for Applicant,
Nagpur.

2. Shri S.V.Natu and M.N.Phasre,
Advocates for Respondents,
Nagpur.

Oral Judgment:
(Per Vice-Chairman B.C.Gadgil)

Dated: 22.4.1986

This matter was originally Regular Civil Suit No.417 of 1982 of the file of the Civil Judge, Senior Division, Nagpur. The said Civil Judge has transferred the suit to this Tribunal. According to him, the controversy in question is required to be decided by the Tribunal under the Administrative Tribunals Act, 1985.

2. In the suit, the defendants have filed their written statement. The matter was thus ready for hearing. We had therefore fixed it for hearing on 21.4.1986 and notices were accordingly issued to both sides. None of the parties appeared before us today, when the matter was called on.

3. We have perused the record and proceedings of


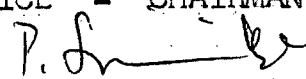
...2.

B. C. Gadgil

the said Suit No.417 of 1982. It would be convenient to refer to the parties as the plaintiff and defendants instead of as applicant and respondents. The plaintiff has been dismissed from service. He filed the suit in question for quashing the order of dismissal and for re-instatement in service. The plaint shows that the plaintiff was enrolled as a Sepoy in 'C' Company 17 Marathawada Infantry in 1974. A proceeding was held against the plaintiff on an allegation that he had handed over his rifle to somebody else. He was duly courtmartialled and removed from service.

4. Section 2 of the Administrative Tribunals Act, 1985 provides that the Act shall not apply to certain employees: as per Clause (a) the Act is not applicable to any member of the Naval, Military or Air Force or any other Armed Forces of the Union. The plaintiff was a member of the Armed Forces of the Union, as he was a Sepoy in the army. The provisions of the Act therefore do not apply to his case and the matter will have to be dealt with by the Civil Court. Hence we pass the following Orders.

5. Regular Civil Suit No.417 is transferred to the Civil Judge, Senior Division, Nagpur for being dealt with according to law.


(B.C.GADGIL)
VICE - CHAIRMAN

(P. SRINIVASAN)
MEMBER