

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 935/93

~~Transferred to Appellate Bench~~

Date of Decision : 28-7-1995

Shri V.V. Thomas

Petitioner

Shri D.C. Meenathel

Advocate for the
Petitioners .

Versus

Union of India & Ors.

Respondents

Shri R.K. Shetty

Advocate for the
respondents

C O R A M :

The Hon'ble Shri B.S. Hegde, Member (J)

The Hon'ble Shri M.R. Kolhatkar, Member (A)


- (1) To be referred to the Reporter or not ?
- (2) Whether it needs to be circulated to
other Benches of the Tribunal?


(B.S. Hegde)
Member (J)

ssp.

From pre-page:

the members of GREF can legitimately be said to be the members of Armed Forces within the meaning of Article 33 of the Constitution. Further, they have drawn our attention to the Supreme Court judgement in R. Viswan & Ors. v/s Union of India wherein it is held that the persons of GREF are the members of Armed Forces within the meaning of Article 33. The same question was again raised before the Principal Bench of CAT, New Delhi in OA 2661 of 1993 and the Principal Bench vide its order dated 10th June 1994 held that it has no jurisdiction to deal with or adjudicate upon a member of the GREF. Therefore, in the light of the above, the question to be seen here is whether we have jurisdiction to entertain the grievances of the Applicant who is admittedly a member of GREF which is considered as Armed Forces within the meaning of Art. 33 of the Constitution. Reference was made by the administrative Ministries whether GREF persons should be treated as members of the Armed Forces of Union for the purpose of Section 2 of C.A.T. Act. In view of the aforesaid Supreme Court decision, it was held that the Department of Personnel have given a decision vide its order dated 31-3-1986 that the provisions of the Central Administrative Tribunal Act would not apply to the members of GREF whether they are civilians or otherwise. In the circumstances, we are of the view, that the dispute cannot be agitated before this Tribunal. Accordingly, the O.A. is dismissed for want of jurisdiction, with no order as to cost. However, liberty is granted to



From pre-page

the Applicant to agitate this matter before any other concerned forum if he wishes to do so.

M.R. Kolhatkar

(M.R. Kolhatkar)
Member (A)

B.S. Hegde

(B.S. Hegde)
Member (J)

ssp.