

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

ORIGINAL APPLICATION NO.: 1026 of 1998.

Dated this Monday, the 24th day of March, 2003.

CORAM : Hon'ble Shri A. V. Haridasan, Vice-Chairman.
Hon'ble Shri S. K. Hajra, Member (A).

Koil Pillai Anthony Raj,
Residing at RBII/34/21,
Railway Quarters,
Mulund (E),
Bombay - 400 081.

Applicant.

(By Advocate Shri Sai Ramamurthy)

VERSUS

The Union of India through
The General Manager,
Central Railway,
Bombay V.T.

Respondents.

(By Advocate Shri Suresh Kumar)

ORDER (ORAL)

PER : Shri A. V. Haridasan, Vice-Chairman.

The applicant filed S.C. Suit No. 4345 of 1978 before the
Bombay City Civil Court claiming the following reliefs :

"The Plaintiff, therefore, prays :-

(a) that it be declared that the order dated 30th September 1977 passed by the Security Officer, Central Railway, Bombay V.T. terminating the services of the plaintiff as probationer Sub-Inspector with effect from 01.10.1977 (F/N) is illegal, bad in law and null and void and that the plaintiff has continued in the service of the defendants as Sub-Inspector without any break in service and with all attendant benefits and privileges as if the impugned order of termination has not been passed at all;

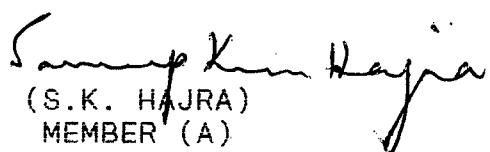
- (b) that the defendants be decreed and ordered to pay to the plaintiff the arrears of pay and allowances as Sub-Inspector, Railway Protection Force, from 1.10.1977 to the date of filing of the Suit, that is upto the end of July, 1978 amounting to Rs. 4000/- and further pay and allowances from the date of suit till judgement and/or reinstatement, which the Plaintiff would have drawn if he had continued in service;
- (c) that pending the hearing and final disposal of this suit, the defendants their servants and/or agents be restrained by an order and injunction of this Hon'ble Court from taking any steps to evict the plaintiff from the premises in his occupation namely Railway Quarter No. RB II/34/21 at Mulund (East), Bombay 400 081.
- (d) that ad-interim relief in terms of prayer (c) above be granted;
- (e) that such further and other relief/reliefs be granted as the nature and circumstances of the case may require;
- (f) that the plaintiff's costs of this suit and the orders to be made thereon be provided for."

The City Civil Court by its order dated 07.08.1998 finding that the jurisdiction of the matter is vested with the Central Administrative Tribunal in view of the provisions contained in Administrative Tribunals Act, 1985, transferred the case for disposal to this Tribunal.

2. We notice that the applicant was a member of the R.P.F. which is a Armed Force of the Union of India. According to Section 2(a) of the Administrative Tribunals Act, 1985, this Tribunal does not have jurisdiction to entertain any application in regard to grievance of the member of the R.P.F. It has also been held in the following rulings of different Benches of this Tribunal :

- (i) 1986 (1) ATC 453 .. [Kunju Krishna Pillai V/s. Union of India & Others].
- (ii) 1991 (16) ATC 125 .. [Bhola Nath Sen V/s. Union of India & Others].
- (iii) 1997 (36) ATC 650 .. [V. K. Saxena V/s. Union of India & others].

3. In view of the above, the application cannot be entertained and is disposed of by this Bench of the Tribunal for want of jurisdiction. Hence, the entire file is to be transmitted to City Civil Court for disposal in accordance with law. We accordingly order so.


(S.K. HAJRA)
MEMBER (A)


(A. V. HARIDASAN)
VICE-CHAIRMAN.

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