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CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: AT HYDERABAD.

O.A.No. 551/92

Date of Decision: 29.7.1992

P.A.No.

Smt. Aziz Begum

Petitioner.

Mr. Basheeruddin Ahmed.

Advocate for
the Petitioner(s)

Versus

Union of India rep. by its Director

General, Medical Service (Army), Hyderabad
and another.

Respondent.

Mr. N.R. Devraj

Advocate for
the Respondent
(s)

CORAM:

THE HON'BLE MR. T. CHANDRASEKHARA REDDY, MEMBER (JUDL.)

THE HON'BLE MR.

1. Whether Reporters of local papers may be allowed to see the Judgment ?
 2. To be referred to the Reporters or not ?
 3. whether their Lordships wish to see the fair copy of the Judgment ?
 4. Whether it needs to be circulated to other Benches of the Tribunal ?
 5. Remarks of Vice Chairman on Columns 1,2,4 (To be submitted to Hon'ble Vice-Chairman where he is not on the Bench.)
- } No

T. C. N. f
(HTCSR)
M(J)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.551/92

Date of Order: 29.7.1992.

BETWEEN:

Smt.Aziz Begum

.. Applicant.

A N D

1. Union of India rep. by
its Director General
Medical Service (Army),
Adjutant General Branch,
Army Headquarters,
New Delhi.

2. Zilla Sainik Welfare Officer,
Chintal Basti, Govt. of A.P.,
Hyderabad.

.. Respondents.

Counsel for the Applicant

.. Mr.BasheeruddinAh

Counsel for the Respondents

.. Mr.N.R.Devraj.

Sr. Case

CORAM:

HON'BLE SHRI T.CHANDRASEKHARA REDDY, MEMBER (JUDL.)

(Order of the Single Member Bench delivered by

Hon'ble Shri T.Chandrasekhara Reddy, Member (Judl.))..

T. Chandrasekhara Reddy

This is an application filed under Section 19 of the Administrative Tribunals Act by the applicant herein to direct the respondents to grant her the family pension w.e.f. 13.2.1986 with all arrears and consequential benefits.

The facts giving rise to this OA in brief may be stated as follows:

2. The applicant claims to be the widow of one Capt.Q.A. Bari(HM-34)H.S.F. who was relieved on 01st October, 1951. The applicant is said to have married the said Bari on 15.12.1968. According to the applicant, her husband Capt Bari was working as a Doctor in the Armed Forces. He was ^{of} the rank of a captain ^{in the army}. The said Bari is said to have died on 13.2.1986. It is the case of the applicant that she is entitled for pensionary benefits due to the death of her husband and that, her representations that were made to the respondents for payment of pension had no effect. So, the present OA is filed for the relief as indicated above.

3. Office has raised an objection with regard to the jurisdiction of this Tribunal to entertain this OA. The said office objection was listed for hearing on 10.7.1992. In view of the importance of the point involved, we ordered notice of the office note to the counsel for the respondents.

4. Today, we have heard Mr Basheeruddin Ahmed Advocate for the applicant and Mr NR Devraj, Senior Standing Counsel for the respondents.

5. Mr NR Devaraj drew our attention to Section 2 of the Administrative Tribunals Act which says that the provisions of that Act shall not apply to

"any member of the Naval, Military or Air Force or of any other Armed Forces of the Union".

(211)

and contended that the applicant's husband who was working as Captain in the Medical core in the Army and was a Commissioned Officer, that this Tribunal does not have jurisdiction to entertain this OA. The fact that Mr Bari held the rank of a Captain in the Army and was working in the medical core as a Commissioned Officer is not in dispute. So, if Capt Bari had been alive, this Tribunal would not have jurisdiction to entertain any OA with regard to grievance for readressal of his service matter as the grievance relates to the Member of the armed forces. As the applicant is claiming pensionary benefits only through Capt Bari (a Member of the armed forces) whom she claims to be her husband, we are of the opinion that we do not have jurisdiction to entertain this OA. Hence, the office objection is liable to be upheld.

6. The learned counsel for the applicant relied on sub-section 2 of the Army Act, 1950 which reads-

"(2) Every person subject to this Act under Clause(a) to(g) of sub-section(1) shall remain so subject until duly retired, discharged, released, removed, dismissed or cashiered from the service."

and contended that as the said Capt Bari had retired from the Army in the year 1951 and in view of the retirement that this Tribunal has got jurisdiction to entertain this OA as the grievance relates to the service matter of the said Capt Bari. We may say in this context that the said Capt Bari who was a member of the Armed forces, after retirement did not become a civil servant. So, when this Tribunal has no jurisdiction to entertain any OA with regard to the grievance relating to the service matter of a person who belongs to the armed forces, the same thing applies even after the said person retires from service from the armed forces.

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So with regard to the persons who claim any pensionary benefits through the said Member of the armed forces, the same position holds good. So in view of these facts, the said provision drawn to our attention by Mr Basheeruddin Ahmed has no application. In the result, we uphold the office objection and reject this OA. The applicant will be at liberty to peruse ~~her~~ remedy before proper forum having jurisdiction if she is so advised.

T. Chandrasekhara Reddy
(T.CHANDRASEKHARA REDDY)
Member(Judl.)

Dated:29th July,1992

A. S. R. S. R.
Dy. Registrar(Judl.)

(Decided in the open court)

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Copy to:-

1. Director General Medical Service(Army), Union of India, Adjutant General Branch, Army Headquarters, New Delhi.
2. Zilla Sainik Welfare Officer, Chintal Basti, Govt. of A.P., Hyderabad.
3. One copy to Sri. Basheeruddin Ahmed, advocate, 10-3-282/2, Humayun nagar, Hyd-bad.
4. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd-bad.
5. One spare copy.

Rsm/-

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