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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 883/94.

Dt. of Decision : 14.11.94.

1. Smt. R.Y. Laxmi
2. R. Manoj Kumar
3. Kum. R. Ambica Manisha
4. Smt. R. Rukmini Bai

.. Applicants.

Vs

1. Union of India, rep. by
its Secretary,
Ministry of Home Affairs,
New Delhi.
2. The Director General,
C.R.P.F., C.G.O. Complex,
Lodhi Road, New Delhi.
3. The Commandant,
117th Bn. C.R.P.F.
47, Stand Road, Calcutta-700 007.

.. Respondents.

Counsel for the Applicants : Mr. V.V. Narasimha Rao

Counsel for the Respondents : Mr. V. Bhimanna, Addl. CGSC.

CORAM:

THE HON'BLE SHRI A.B. GORTHY : MEMBER (ADMN.)

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OA 883/94.

Dt. of Order:14-11-94.

(Order passed by Hon'ble Shri A.B.Gorthi,
Member (A)).

* * *

The applicants are the family members of late R.Manohar, who, while working as Sub-Inspector (Ministerial) in the 117th Batalian of the Central Reserve Police Force at Calcutta died in suspicious circumstances in a Hotel in Calcutta. His death was detected on 15-7-1993. The claim of the applicants is for a direction to the Respondents to release all the terminal benefits due to them on the death of the employee.

2. Heard learned counsel for both the parties. ~~As~~ The Respondents have taken an initial objection to the maintainability of this O.A. on the ground that late R.Manohar was a member of the C.R.P.F., which is an armed force ^{and} that this Tribunal therefore does not have jurisdiction to entertain this O.A. Shri V.V.Narasimha Rao, learned counsel for the applicant states that the applicant was performing Ministerial duties un-connected with defence and hence this Tribunal has the jurisdiction to entertain this O.A. and to grant relief sought for.

3. ~~The~~ questions ^{arise} for my consideration in this case. Firstly whether the CRPF is an armed force and secondly whether late R.Manohar was a Civilian in the CRPF or a regular member of the CRPF. On the first question there is hardly any ^{scope for} ~~question for~~ doubt ^{at this time}. Section 3(1) of the Central Reserve Police Force Act, 1949 reads as under :-

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"3. Constitution of the Force-(1)

There shall continue to be an
armed force maintained by the
Central Government and called the
Central Reserve Police Force."
(underlined for emphasis)

The preamble of the C.R.P.F. Act also states that it is an Act
"to provide for the constitution and regulation of an armed Central
Reserve Police Force".

4. In view of the aforesaid statutory provision it is
clear that the C.R.P.F. is an armed force constituted and maintained
by the Union of India. In this context reference may be made to
section 2(a) of the A.T. Act, 1985, which reads as under :-

"2. Act not to apply to certain persons-
The provisions of this Act shall not
apply to -

(a) any member of the naval, military or
air forces or of any other armed forces
of the Union;"

Section 2(a) of the A.T. Act, 1985 read with section 3(1) of the
C.R.P.F. Act, 1949, will clearly indicate that C.R.P.F. falls under
the category of "any other armed force of the Union", and that the
A.T. Act shall not apply to any of its members.

5. On the second question whether late Manohar was a
Civilian working in the CRPF or whether he was a regular member of
the Force, learned standing counsel for the Respondents has drawn
my attention to Govt. of India, Ministry of Home Affairs letter
No. O.IV-57/71(Adm)-3/FP.IV dt. 28-2-1981, which refers to combati-
sation of Ministerial Staff of the CRPF. It conveys the consent of
President of India to the combatisation by conversion of Civilian
posts (non-gazetted) Ministerial Staff in CRPF. It further provides
that employees in the then existing posts of Upper Division Clerk/
Asst. Librarian/Stenographer Gr. III would on being combatised hold
the rank of sub-Inspector. Another condition laid down in the
letter dt. 28-2-1981^{is} that on combatisation, the incumbent would be
governed by the CRPF Act and Rules for all purposes, subject to

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certain ~~xxxxxxx~~ modifications.

6. From the aforesaid it would be obvious that late Manohar was a member of the CRPF, which is an armed force of the Union and as such the applicants herein ~~xxx~~ cannot seek relief from this Tribunal under section 14 of the A.T.Act, 1985.

Section 14(1) of the A.T.Act is reproduced below :-

"14. Jurisdiction, power^s and authority of the Central Administrative Tribunal-
(1) Save as otherwise expressly provided in this Act, the Central Administrative Tribunal shall exercise, on and from the appointed day, all the jurisdiction, powers and authority exercisable immediately before that day by all courts (except the Supreme Court ()) in relation to --

(a) **** not relevant

(b) all service matters concerning --

(i) a member of any All India Service; or

(ii) a person (not being a member of an All India Service or a person referred to in clause (c)) appointed to any civil service of the Union or any civil post under the Union ; or

(iii) a civilian (not being a member of an All India Service or a person referred to in clause (c)) appointed to any defence service or a post connected with defence; and pertaining to the service of such member, person or civilian, in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Govt. of India or of any corporation (or society) owned or controlled by the Govt.,;

(c) all service matters pertaining to service in connection with the affairs

Copy to:-

1. Secretary, Ministry of Home Affairs, Union of India, New Delhi.
2. The Director General, CRPF, C.G.O. Complex, Lodhi road, New Delhi.
3. The Commandant, 117th Bn. C.R.P.F. 47, Stand road, Calcutta-007.
4. One copy to Sri. V.V.Narasimha Rao, advocate, CAT, Hyd.
5. One copy to Sri. V.Bhimanna, Addl. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
- 7.. One spare copy.

Rsm/-


of the Union concerning a person appointed to any service or post referred to in sub-clause (ii) or sub-clause (iii) of clause (b), being a person whose services have been placed by a State Government or any local or other authority or any corporation (or society) or other body, at the disposal of the Central Government for such appointment."

7. Late Manohar was a member of the C.R.P.F. and hence could not be said to be a "person" referred to in section 14 (1)(b) or (c). Accordingly the grievance of the applicants is not such a "service matter" in respect of which the Tribunal can exercise its jurisdiction under section 14 of the A.T. Act, 1985.

8. Learned counsel for the applicant states that in view of the Govt. of India, Ministry of Home Affairs letter dt. 28-2-1981, which has now been shown by the Respondents counsel, and in view of the provisions of Sections 2 and 14 of the A.T. Act, 1985, read with Section 3 of C.R.P.F. Act, 1949, he would like to withdraw this O.A. for presentation before the appropriate forum and request^{ed} for permission. Learned counsel for the Respondents has no objection. Accordingly the request of the applicant's counsel is allowed and this O.A. is dismissed as withdrawn. The applicants will be at liberty to approach the appropriate forum, if so advised, in accordance with law.


(A.B. GORTHII)
Member (A)

Dt. 14th November, 1994.
Dictated in Open Court.


Dy. Registrar (Judicial)

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Contd.. 6/-

MA 883/94

Typed by

Compared by

Checked by

Approved by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. A. V. N. S. RAO : MEMBER (T)

AGE

THE HON'BLE MR. A. D. GURTHI : MEMBER (J)

Dated: 14/11/94

ORDER/JUDGMENT

M.C./R.P/C.P/NO.

IN

O.A. NO. 883/94

T.A. NO. (W.P. NO.)

Admitted and Interim Directions
Issued.

Allowed.

Disposed of with Directions.

Dismissed.

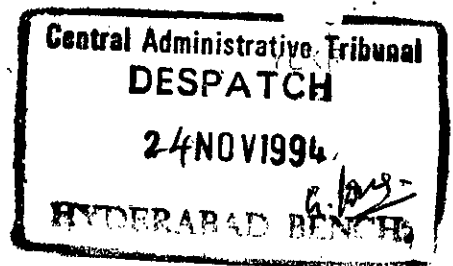
Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

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