

Central Administrative Tribunal
Jabalpur Bench

OA No.23/06

Monday this the 27th day of March, 2006

C O R A M

Hon'ble Dr.G.C.Srivastava, Vice Chairman

Hon'ble Mr.G.Shanthappa, Judicial Member

Ganesh Dutt Prasad

S/o Shri Tribhuwan Prasad

A.S.I. Pharmacist

Force No.961860033

CRPF Group Centre

Bangrasia Bhopal

and

19 others.

Applicants.

(By advocate: None)

Versus

1. Union of India
Home Affairs Department through
Its Secretary
North Block
New Delhi.
2. Ministry of Health and Family Welfare
Through its Secretary
New Delhi.
3. C.R.P.F, through its
Director General
C.G.O. Complex
Lodhi Road
New Delhi.
4. The Director
Medical Directorate
Central Reserve Police Force
East Block
R.K.Puram
New Delhi.
5. Inspector General
R.A.F. 107, Hinautia

Raisen (M.P.)

Respondents

(By advocate)

ORDER (oral)By Mr.G.Shanthappa, Judicial Member

There are 20 applicants in the present OA and they have filed an MA No.24/06 for joining together.

2. The applicants have sought the following reliefs:

- (i) Direct the respondents to pay the P.C.A. to the applicants on the ground of equality with all consequential benefits in the interest of justice or in the alternative direct the respondents to decide the representation of the applicants equally as per order passed in A-17 and A-18 in the interest of justice.
- (ii) Direct the respondents to pay the arrears of P.C.A. including interest.

3. This application was heard on three occasions i.e. 12.1.06, 16.1.2006 and 18.1.2006. On 18.1.2006, the Tribunal had raised an objection with regard to maintainability of the application, whether the services of the applicants are protected under Section 2 (a) of the A.T.Act, 1985. Admittedly, the applicants are under CRPF. Section 2 (a) of the A.T.Act, 1985 reads as under:

“The provisions of this Act shall not apply to (a) any member of the naval, military or air force or of any other armed forces of the Union.

4. The services of the applicants are protected under “any other armed forces of the Union”. This has been upheld by Calcutta Bench of this Tribunal, reported in Services Law Reporter 1991 (1) SLR 339- Bhola Nath Sen Vs. Union of India (CAT-Calcutta).

5. When the case was called earlier, the applicants were heard but as it was a single Bench, the application could not be decided.

6. Today none appears for the applicants. We perused the pleadings and documents.

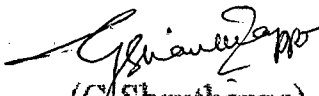
7. We carefully examined the relief sought by the applicants. The applicants have cited that similarly situated employees had sought and

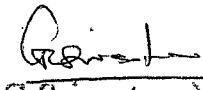


obtained the relief from the Hon'ble High Court of Guwahati in WP No.474/03 (Annexure A7). The petitioners in that case are also belonging to CRPF and the relief was granted to those who had worked in the State of Assam.

8. The present applicants had approached the Hon'ble High Court of M.P. in W.P.No.6883/03. There was no observation of the Hon'ble High Court, whether the WP was maintainable or not? At the request of the petitioners, the W.P. was dismissed as withdrawn with liberty to approach this Tribunal. Hence, the applicants have approached this Tribunal. We carefully examined the provisions of Rule 2 (a) of the A.T.Act. Since the services of the Central Reserve Police Force (CRPF) are not covered under the Administrative Tribunal Act, the Tribunal cannot entertain the grievance of the said services. Accordingly this Tribunal has no jurisdiction. The OA is dismissed for want of jurisdiction. No costs.

9. Registry is directed to supply copy of the memo of parties to the parties while issuing the certified copy of this order.


(G. Shanthappa)
Judicial member


(Dr. G.C. Srivastava)
Vice Chairman

aa.

प्रांकन : ३३/०३/०६.....जबलपुर, दि.....

प्रांकन : ३३/०३/०६.....

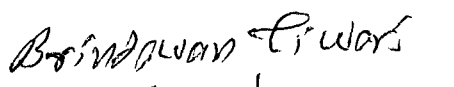

(1) सचिव, जबलपुर.....जबलपुर


(2) अध्यक्ष, जबलपुर.....के कार्यालय

(3) सचिव, जबलपुर.....के कार्यालय

(4) सचिव, जबलपुर.....के कार्यालय

सूचना एवं जनसम्पर्क विभाग, जबलपुर


Advocate



30/3/06