

CENTRAL ADMINISTRATIVE TRIBUNAL
JABALPUR BENCH

CIRCUIT SITTING AT BILASPUR

OA No. 246/04

Bilaspur, this the 11th day of May 2005.

CORAM

Hon'ble Mr. M.P.Singh, Vice Chairman
Hon'ble Mr. A.K.Bhatnagar, Judicial Member

Alok Waghade
S/o Late Shri B.C.Waghade
R/o C/o Shri Sudhir Yadav
Near Police Line
Shanti Nagar
Bhilai, Dist.Durg (CG)

Applicant

(By advocate Shri B.P.Rao on behalf of
Shri P.T.Lokhe)

versus

Union of India through
the Secretary
Ministry of Defence
Raksha Bhawan, New Delhi.

2. The Chief of Naval Staff (DPA)
Naval Headquarters.
Govt. of India
New Delhi.

3. The Officer in Charge, INS
Sutlej, Cochin (Kerala)

Respondent

(By advocate Shri S.P.Singh)

O R D E R (orai)

By M.P.Singh, Vice Chairman

By filing this OA, the applicant has claimed the following
reliefs:

- (i) To quash Annexure A1 and A8 and direct the respondents to grant normal as well as disability pension from the date of discharge i.e. 16.5.95 and pay the arrears of pension and allowances within a time bound frame with 12% interest.
2. The brief facts of the case are that the applicant joined the Indian Naval Service in April 1989 as ME-II (Mechanical Engineer Grade II) and was posted at Cochin Naval Ship Yard Sutlej, Cochin, after successful completion



of six months' training at Chilka (Orissa) and continued his service at Cochin and was promoted to Grade I. During his regular military service, the applicant was injured in an accident on 14.2.94. After treatment for nearly two months in the Naval Hospital, the applicant could not recover fully and was discharged from the hospital on 5.4.94 (Annexure A2) recommending three weeks sick leave. The applicant again met with a serious accident and due to head injury, he went into coma. He was discharged from the hospital on 3.5.94. After discharge from Bhilai Hospital, he was shifted for treatment at Military Hospital, Jabalpur as a Naval person in service. The applicant was later on invalidated out of service. He, therefore, claims disability pension since he has not been granted the same.

3. Respondents in their reply have stated that the applicant was enrolled in the Indian Navy on 4th May 1989 as a sailor and he was invalidated out of service on 17th May 1995. Respondents have also submitted that the applicant is not a civil post holder and an employee of the Indian Armed Forces. Therefore, the instant application is not tenable before this Tribunal and the same is liable to be rejected for want of jurisdiction.

4. We have given careful consideration to the rival contentions and we find that the applicant was working as a sailor in the Indian Navy and was a member of the Armed Forces of the Union. This Tribunal has no jurisdiction to adjudicate matters concerning the service conditions of persons working in the Armed Forces as combatants. Therefore, the OA is not maintainable. Accordingly it is dismissed. No costs.


(A.K. Bhatnagar)
Judicial Member


(M.P. Singh)
vice Chairman