

**Central Administrative Tribunal
Principal Bench, New Delhi**

OA No. 1765/2016

This the 23rd day of August, 2016

Hon'ble Shri Sudhir Kumar, Member (A)

Hon'ble Shri Raj Vir Sharma, Member(J)

1. Vishnu Singh aged about 24 year
(unemployed civilian)
S/o Mangej Singh Chauhan
R/o Village Mauthuka, Post Fatahpur,
Tehsil & P.S. Bansur, Distt-Alwar
Rajasthan-301402

... Applicant

(By Advocate: Mr. Vipin Kumar Raghav)

Versus

1. Union of India
Through, Cabinet Secretary,
Government of India, Rashtrapati Bhawan
New Delhi -110 004.
2. Ministry of Home Affairs
(Through Secretary)
North Block Central Secretariat
New Delhi-110001
3. Director General
Indo-Tibetan Border Police
Block No.2 CGOP Complex, Lodhi Road,
New Delhi -110003
4. The Inspector General (ITBP)
HQrs Central Frontier,
Indo-Tibetan Boarder Police Force
Plot No. 163-164 (E-8)
Trilochan Nagar, P.O. Trilanga
Near Shahpura, Bhopal (MP)
PIN Code-462039

... Respondents

(By Advocate: Mr. Avtar Singh Chauhan)

Order (oral)

Per Sudhir Kumar, Member (A)

We have heard the learned counsel for both the sides. Learned counsel for the applicant has submitted that the respondents have in their counter reply nowhere clearly stated that the concerned posts are

uniformed posts, and, therefore, he is unable to accept that this Tribunal does not have any jurisdiction to entertain this matter.

2. However, it is seen that Annexure A-2 (page 29) clearly shows that the recruitment was for the posts of Constable (Pioneer), which are General Central Service Group 'C' Non-Gazetted (Non-Ministerial) and in para 3 of that Recruitment Notification, regarding pay scale and other allowances, it has been clearly mentioned that apart from the Dearness Allowance, Ration Money, Washing Allowance as admissible from time to time. Special Compensatory Allowance while posted in specified border areas, free Uniforms will also be provided along with free accommodation or HRA etc.

3. Therefore, it is apparent from this Recruitment Notification read with the reply submissions made by the respondents, that the posts were notified under ITBPF Act 1992 and under the provisions of Section 2 of the Administrative Tribunals Act, 1985, the Act does not apply to these posts, and the jurisdiction of this Tribunal does not extend to these posts.

4. Therefore, this OA does not lie, and is dismissed for want of jurisdiction. Needless to add that the applicant would be at liberty to approach the appropriate forum as per law for seeking the reliefs as prayed for by him.

(Raj Vir Sharma)
Member (J)

(Sudhir Kumar)
Member (A)

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