

Central Administrative Tribunal
Principal Bench
New Delhi

M.A.No.3219/2016
with
O.A.No.1828/2016
M.A.No.1787/2016

Order Reserved on: 16.03.2017
Order pronounced on 22.03.2017

Hon'ble Shri V. Ajay Kumar, Member (J)
Hon'ble Shri P. K. Basu, Member (A)

Alok Kumar Das, Age 50 years [Working as Nursing Assistant (Non-Combatised)]
S/o Late Shri S.M.Das
R/o 140 Battalion CRPF
Bet Bagan
P.O.Ambassa, Distt. Dhalai
Tripura, Agartala-799289. Applicant

(By Advocate: None)

Versus

1. Union of India
Through its Secretary
Ministry of Home Affairs
North Block
New Delhi.
2. Director General
Central Reserve Police Force
Block No.1, CGO Complex
Lodhi Road
New Delhi.
3. Inspector General of Police (Pers.)
Directorate

Central Reserve Police Force
Lodhi Road
New Delhi.

4. Director (Medical)
Directorate General
Central Reserve Police Force
Block No.1, CGO Complex
Lodhi Road
New Delhi-110 003. Respondents

(By Advocate: Shri Rajnish Prasad)

ORDER

By V. Ajay Kumar, Member (J):

Heard the learned counsel for the miscellaneous applicant and since there is no representation, even on 3rd call, on behalf of the respondent in the MA, considered the pleadings on record.

2. The original applicant, who is the respondent in the present MA, a Nursing Assistant (Non-combatised), in the respondent-Central Reserve Police Force (in short, CRPF), has filed the OA aggrieved by the action of the respondent-CRPF, in rejecting his claim for pay fixation and financial upgradation under MACP Scheme.

3. The respondent-CRPF, by way of the present MA No.3219/2016, raised a preliminary objection of jurisdiction and prayed for dismissal of the OA on the ground of jurisdiction of this Tribunal.

4. Shri Rajnish Prasad, the learned counsel for the miscellaneous applicant submits that this Tribunal has no jurisdiction over the service

matters of Respondent-CRPF, under the provisions of the Administrative Tribunals Act, 1985, and placed reliance on a decision of the Kolkata Bench of this Tribunal in OA No.818/2003 (**A. Prabhakaran v. Union of India**) dated 04.03.2005.

5. Admittedly, this Tribunal has no jurisdiction over the members of the Armed Forces of the Union. Equally, this Tribunal has no jurisdiction over the service matters of the members of the CRPF. However, whether the applicant a Non-Combatised staff of the CRPF, is a member of the CRPF and this Tribunal is having jurisdiction, is the question.

6. In **A. Prabhakaran** (supra), in respect of a Non-combatised staff, i.e., an employee identically placed like the applicant, an identical preliminary objection of jurisdiction was raised. This Tribunal, after considering the various provisions of the CRPF Act, 1949 vis-à-vis, the CCS (CCA) Rules, 1965, categorically held that this Tribunal has no jurisdiction over the service matters of members of the force, including, Non-combatised staff of the CRPF.

7. Though the original applicant placed reliance on various decisions to show that the this Tribunal exercised jurisdiction over the persons identically placed, however, in none of those decisions, the specific issue of jurisdiction of this Tribunal was in question.

8. In the circumstances and for the aforesaid reasons, MA No.3219/2016 is allowed, and accordingly, OA No.1828/2016 and MA

No.1787/2016 are dismissed for want of jurisdiction. This order shall not preclude the applicant from availing his remedies before an appropriate forum, in accordance with law. No costs.

(P. K. Basu)
Member (A)

(V. Ajay Kumar)
Member (J)

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