

.1.

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

Original Application No.180/00216/2018

Wednesday, this the 27th day of March, 2019

CORAM:

HON'BLE Mr.E.K.BHARAT BHUSHAN, ...ADMINISTRATIVE MEMBER

1. V.K.Prabhakara Panicker,
Aged 76 years,
S/o Kesava Pillai,
(Ex-Store Keeper Gr.III/General
Reserve Engineer Force/Now
Boarder Road Organisation),
60 Road Construction COY (GREF),
C/o 99 APO,
Residing at: Jeeth Nivas,
Thekke Malayil House,
Chengaroor P.O., Tiruvilla,
Pathanamthitta District PIN 689 594. ...Applicant

Vs.

(By Advocate Shri T.C.Govindaswamy for the applicant)

Versus

1. The Union of India represented by the Secretary to the Government of India, Ministry of Defence, South Block, New Delhi – 110 001.
2. The Secretary to the Government of India, Ministry of Road Transport & Highways, New Delhi – 110 001.
3. The Director General, Border road, Seema Sadak Bhavan,

.2.

Ring Road, Delhi Cantt.,
New Delhi – 110 001.

4. The Chief Engineer, HQ CE(P),
Dantak, C/o 99 APO.
5. The Officer-in-charge,
60 road Construction COY (GREF),
C/o 99 APO.
6. The Record Officer,
GREFF Records,
Dighi Camp P.O.,
Pune – 411 015.

....Respondents

(By Mr. V.A.Shaji, ACGSC for Respondents)

This application having been heard on 22nd March, 2019, the Tribunal
on 27th March, 2019 delivered the following :

ORDER

HON'BLE Mr.E.K.BHARAT BHUSHAN, ...ADMINISTRATIVE MEMBER

OA No.216/2018 is filed by a retired Store Keeper Grade II under the respondent organisation, who is aggrieved by the denial of grant of Compassionate Allowance as provided for, in Rule 41 of CCS (Pension) Rules, 1972. The representations filed by the applicant before various authorities have been rejected by the respondents through Annexure A6 and A7 orders. The applicant has prayed for a direction to the respondents to grant him compassionate allowance under the said Rules.

2. When the matter was heard on 22.03.2019, Shri T.C.Govindaswamy

.3.

appeared for the applicant and Shri V.A.Shaji, learned Standing Counsel appeared for the respondents. Shri Shaji raised a preliminary objection that the respondent organisation namely General Reserve Engineer Force (GREF) now called Border Road Organisation does not come under the jurisdiction of this Tribunal, as it has not been notified under Section 14, Sub-section 3 of the Administrative Tribunals Act, 1985. He called to his assistance the judgment of **Hon'ble Supreme Court in Civil appeal No.10131 of 2016 - Mohammed Ansari Vs. Union of India & Ors.**, wherein the decision had been unequivocally arrived at, that only the High Court has jurisdiction in the matter relating to this organisation. Under the circumstances, the OA is dismissed on the ground that this Tribunal has no jurisdiction over the same. The applicant will be at liberty to approach appropriate forum, if he chooses to do so. No costs.

(E.K.BHARAT BHUSHAN)
ADMINISTRATIVE MEMBER

sd

List of Annexures in O.A. No.180/00216/2018

1. **Annexure A1:** True copy of service particulars of the applicant as received from authorities indicating his service for the period from 26 Sep 1961 to 25 Sep 1967 dated 27 Sep 2010, issued from the office of the 6th respondent.
2. **Annexure A2:** True copy of service particulars of the applicant as received from authorities indicating his service from the period from 30 Apr 1968 to 15 Jul 1981 dated 27 Sep 2010, issued from the office of the 6th respondent.
3. **Annexure A3:** True copy of letter bearing No.2412/GEN/35/NER(B-12) dated 05 Nov 2009 issued by the 6th respondent.
4. **Annexure A4:** True copy of letter bearing No.2412/GEN/58NER(b-12) dated 27 Sep 2010, issued from the office of the 6th respondent.
5. **Annexure A5:** True copy of order dated 11 Aug 2011 in HRMP No.1229/2011 rendered by the Kerala State Human Rights Commission.
6. **Annexure A6:** True copy of Letter bearing No.15175/DGBR/RO/VKRP/30/EIC 'C' dated 22.04.2014 issued from the office of the 3rd respondent.
7. **Annexure A7:** True copy of Letter bearing No.1141/VKPP/60/123/EIC dated 30.07.2015, issued from the office of the 5th respondent.
8. **Annexure A8:** True copy of representation submitted before the Hon'ble Prime Minister dated 26 May, 2014.
9. **Annexure A9 –** True copy of letter bearing No.2412/GEN/185/NER (B-12) dated 14 May 2016, issued from the office of the 6th respondent.
10. **Annexure A10 –** True copy of representation dated 05.09.17, submitted to His Excellency the President of India.
11. **Annexure A11 -** True copy of Rule 41 of the CS (Pension) Rules, 1972 and also the Government of India decisions given below the said rule as contained in Swamy's Pension Compilation incorporating CCS (Pension) rules, 1972.
12. **Annexure A12 -** True copy of the decision rendered by the Hon'ble Apex Court in Mahinder Dutt Sharma Vs. Union of India & Ors reported in AIR 2014 SC 2009.
13. **Annexure A13 –** True copy of the decision rendered by the High Court of Delhi in WP(C) No.20885/2005 dated 06.04.2011 (Addl. Deputy Commissioner of Police Vs. Ms. Anju).
14. **Annexure R1 -** True copy of the order Hon'ble Supreme Court in India in

SLP No.8096/1995 dated 9.1.1998.

15. **Annexure R2** - True copy of the judgment of Hon'ble High Court of Delhi in WP (C) No.6480/2011 dated 12.9.2011 filed by Dr.Anand Ram Tiwari Vs. Union of India.

16. **Annexure R3** - True copy of the Office order of Border Roads Development Board (BRDB) G1.BRDB/10/Misc/2012/GE-I dated 26.06.2012 relates to jurisdiction of Central Administrative Tribunal, pertaining to service matters of GREF.

17. **Annexure R4** – True copy of the order dated 28.03.2011 by the Central Administrative Tribunal, Allahabad Bench.

18. **Annexure R5** – True copy of the order of the Hon'ble Central Administration Tribunal, Ernakulam Bench dated 28.05.2015.

19. **Annexure R6** – True copy of the order dated 02.02.2017 in Civil Appeal No.10131/2016 filed by Mohammed Ansari Vs. Union of India of Hon'ble Supreme Court.

20. **Annexure R7** – True copy of the order of Central Administrative Tribunal, Ernakulam Bench dated 17.12.2010.

21. **Annexure R8** – True copy of the order dated 09.07.1981 issued by the 5th respondent to the applicant.

22. **Annexure R9** – True copy of the Order of the Hon'ble High Court of Calcutta dated 12.02.1982 in C.P.No.8452/1981.

23. **Annexure R10** – True copy of the Order of the Hon'ble High Court of Calcutta dated 09.08.2001 in C.R.No.3907 to 3912 (W) of 1982.

24. **Annexure R11** – True copy of the relevant portion of Rule 24 of CCS (Pension) rules, 1972.

25. **Annexure R12** – True copy of the statement given by the applicant during Department of court of enquiry on 22.12.1980.

26. **Annexure R13** – True copy of the relevant portion of Rule 13 & 14 of CCS (Pension) Rules, 1972.

27. **Annexure R14** – True copy of the reply dated 2.6.2011 filed on behalf of the 5th respondent.

28. **Annexure R15** – True copy of the relevant portion of Rule 49 of CCS (Pension) rules, 1972.
