

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

1. O.A.NO.1934/2003
2. O.A.NO.1179/2003 ✓
3. O.A.NO.1389/2003

Friday, this the 5th day of December, 2003

Hon'ble Smt. Lakshmi Swaminathan, Vice Chairman (J)
Hon'ble Shri S. K. Naik, Member (A)

OA-1934/2003

1. Lachhi Singh
s/o Late Kishan Singh
r/o Quarter No.136 F, Sector-4
Pushp Vihar
New Delhi-17

2. Jagdish Ram
s/o Shri Gurdas Ram
r/o H.No.505, Sector-5
Pushp Vihar, New Delhi-17

(Name for applicants)

...Applicants

Versus

1. Commissioner of Police
MSO Building
Police Head Quarters
IP Estate
New Delhi

2. Deputy Commissioner of Police
Security, PHQ, IP Estate
Delhi

3. Deputy Commissioner of Police
HQ (Estt.) PHQ IP Estate
New Delhi

4. Director
Special Protection Group
Pappan Kalan, New Delhi

5. Director General
Central Reserve Police Force
CGO Complex, New Delhi

...Respondents
(By Advocates: Shri Aijesh Luthra, learned counsel for
respondent Nos. 1 to 3 and Shri Rajeev
Bansal, learned proxy counsel for
respondent Nos. 4 & 5)

OA-1179/2003

1. Shri Bahadur Singh (1200 DAP)
c/o The Commissioner of Police
HQ (Estt.), Delhi

2. Shri Dava Ram (6343/DAP)
c/o The Commissioner of Police
HQ (Estt.), Delhi



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3. Shri Santosh Kumar (7939 PCR)
c/o The Commissioner of Police
HQ (Estt.), Delhi

4. Shri R.V. Reddy (1376 Comm.)
c/o The Commissioner of Police
HQ (Estt.), Delhi

5. Shri K.M. Somalal (9988 DAP)
c/o The Commissioner of Police
HQ (Estt.), Delhi

6. Shri Dharambir Singh (6844 DAP)
c/o The Commissioner of Police
HQ (Estt.), Delhi

(None for applicants) ..Applicants

Versus

1. Govt. of NCT of Delhi through
the Commissioner of Police
IP Estate, New Delhi

2. The Deputy Commissioner of Police
Delhi Police, Headquarters Establishment
O/c the Commissioner of Police, Delhi

3. The Director General
Central Reserve Police Force
CGO Complex, Lodhi Road
New Delhi

(By Advocates: Shri Ajesh Luthra, learned counsel for
respondent Nos. 1 & 2 and Shri N.K.
Aggarwal, learned senior counsel for
respondent No.3)

OA-1389/2003

1. Naresh Kumar r/o 350, Sector-7
Pushpa Vihar, New Delhi

2. Asha Sharma r/o 157-F, Sector-4
Pushpa Vihar, New Delhi

3. Amod Kumar Manethia r/o 1471, Sec.7
Pushpa Vihar, New Delhi

4. Chandrika T.S., 111, Sector-3
Pushpa Vihar, New Delhi

5. Karan Singh, r/o 81-J, Sector-4
Pushpa Vihar, New Delhi

6. Kubja Devi Thakur r/o 119-A, Sector-4
Pushpa Vihar, New Delhi

7. Mana Mukherjee r/o 204-H, Sec.4
Pushpa Vihar, New Delhi

8. Roop Chand, Qtr. No.B-210-H, Sect-4
Pushpa Vihar, MB Road, New Delhi



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9. Savitri Chandel r/o 205-A, Sec.4
Pushpa Vihar,
New Delhi
10. Jaswant Singh r/o 579, Sector-5
Pushpa Vihar,
New Delhi
11. Shekhar Chand Pandey r/o 69/B, Sec.4
Pushpa Vihar,
New Delhi
12. T. Masila Mani r/o 1430, Sec.3
Pushpa Vihar,
New Delhi
13. Vijay Singh Punia, r/o 1259, Sec.7
Pushpa Vihar, New Delhi
14. Sateshwar Prasad r/o 1466, Sec.7
Pushpa Vihar, New Delhi
15. Jagdish Prasad No. 7185/DAP, Sect.7
Pushpa Vihar, New Delhi

..Applicants

(None for applicants)

Versus

1. Commissioner of Police
MSO Building
Police Head Quarters, IP Estate
New Delhi
2. Deputy Commissioner of Police
Security, Delhi
3. Deputy Commissioner of Police
HQ (Eatt.) PHQ, IP Estate
New Delhi
4. Director
Special Protection Group
Pappan Kalan, New Delhi
5. Director General
Central Reserve Police Force
CGO Complex, New Delhi
6. Director General
ITBP, CGO Complex,
New Delhi
7. Director General
BSF, CGO Complex
New Delhi

..Respondents

(By Advocates: Shri Ajesh Luthra, learned counsel for respondent Nos. 1 to 3, Shri Rajeev Bansal, learned proxy counsel for respondent Nos. 4 & 5 and Shri N.K. Aggarwal, learned senior counsel for respondent Nos. 6 & 7)



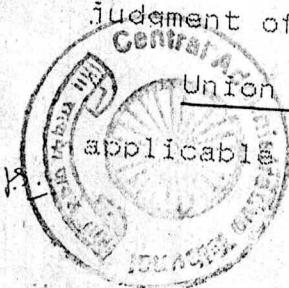
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ORDER (ORAL)

Hon'ble Smt. Lakshmi Swaminathan:

None for the applicants even on the second call. This is a part-heard matter and was specifically listed today in the forenoon by order dated 4.12.2003, in the presence of all the learned counsel for parties.

2. In the circumstances, we have further considered the preliminary issue raised by the learned senior counsel for respondents together with the other learned counsel for respondents, particularly in terms of the Hon'ble Delhi High Court's order dated 5.11.2003 in CWP-7004/2003, copy placed on record. The respondents have submitted that having regard to the provisions of Section 2 (a) of Administrative Tribunals Act, 1985, as the applicants originally belong to one of the Armed Forces of the Union, e.g., the Central Reserve Police Force (CRPF) and the Special Protection Group (SPG), ~~and~~ the impugned orders passed in the aforesaid cases have a bearing on their service conditions. We find force in the submissions of all the learned counsel for respondents. Further, Shri Arun Shardwai, learned counsel had submitted that the applicants in the aforesaid Writ Petition pending before the Hon'ble Delhi High Court also belong to CRPF which fact has been confirmed by all the learned counsel for respondents. In the order of the Hon'ble High Court dated 5.11.2003, we note that the counsel for respondents were also present and notices were accepted by them. The judgment of the Hon'ble Supreme Court in L. Chandra Kumar v. Union of India & others, (1997) 3 SCC 261 is fully applicable to the facts in the present cases.



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3. Noting the fact that in a similarly situated position, the Hon'ble High Court has been pleased to issue notice to the respondents in its original jurisdiction under Article 226 of the Constitution of India, we find force in the submissions of Shri N.K. Aggarwal, learned senior counsel, Shri Ajesh Luthra, learned counsel and Shri Raieev Bansal, learned proxy counsel that the present OAs are not maintainable in the Tribunal for want of jurisdiction. Needless to say, it will not be either proper for this Tribunal at this stage or in the interest of justice to pass any orders which may have a bearing on the merits, while the same issues are pending before the Hon'ble High Court, particularly also having regard to the provisions of Section 2 (a) of A.T. Act, 1985.

4. In view of the above, the aforementioned OAs (OA-1934/2003, OA-1179/2003 and OA-1389/2003) are dismissed for want of jurisdiction, with liberty to the applicants to proceed, as advised, in accordance with law. In the circumstances, registry is directed to return the papers to the applicants, keeping one set for record purposes in accordance with the Procedure Rules.

5. Let a copy of this order be placed in OA-1179/2003 and OA-1389/2003.

S.R. Naik
(S.R. Naik)
Member (A)

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Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Vice Chairman (J)