

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD**

**Original Application No.021/01189/2015
Date of Order : 12.06.2019**

Between :

Ch.Appalaraju,
S/oDalibabu, Aged about 55 years,
Occ : RPF Constable (Removed from service),
presently residing at H.No.2-27, Opp. Sigma Centre,
Lingampally, Hyderabad. ... Applicant

And

1. The Senior Divisional Security Commissioner,
Railway Protection Force, South Central Railway,
Vijayawada, Krishna District – 520001.
2. The Divisional Security Commissioner,
Railway Protection Force, South Central Railway,
Vijayawada, Krishna District – 520001.
3. The Deputy Chief Security Commissioner,
Railway Protection Force, South Central Railway,
Rail Nilayam, Secunderabad – 500003.
4. The Chief Security Commissioner,
Railway Protection Force, South Central Railway,
Rail Nilayam, Secunderabad – 500003. ... Respondents

Counsel for the Applicant ... Mr.P.Srinivasa Rao, Advocate
Counsel for the Respondents ... Mr. M.Brahma Reddy, Sr.PC for CG

CORAM:

Hon'ble Mr. B.V.Sudhakar ... Member (Administrative)

ORAL ORDER

{As per Hon'ble Mr.B.V.Sudhakar, Member (Admn.)}

Learned Counsel for the applicant not present. Mr.Bhim Singh representing Mr.M.Brahma Reddy, Sr.Panel Ccounsel for Central Government is present.

2. The applicant worked as RPF Constable, Khazipet, South Central Railway. Learned counsel for the respondents has pointed out that RPF officials do not come under the jurisdiction of C.A.T. Learned counsel for the respondents further submits that the persons working as RPF, if they have any grievance, they have to approach the Hon'ble High Court.

3. Learned counsel has also relied upon the judgement of Principal Bench of this Tribunal in O.A.2646/2011 **{Hansraj vs. Union of India}**, the relevant paras are extracted below :

“2. As can be seen from the prayer clause the grievance of the applicant is regarding appointment to the post of Sub Inspector in Railway Protection Special Force, whereby he was appointed on the said post w.e.f. 20.04.2009 and thereafter sent for practical training of two months from 20.11.2009 to 20.01.2010 and was also required to appear in the written examination but he was declared failed in one of the papers and consequently he was discharged vide letter dated 12.05.2010. Thus, the grievance of the applicant in this case relates to his appointment/discharge from the post of Sub Inspector in Railway Protection Special Force. We are of the view that this Tribunal has got no jurisdiction to entertain the matter in view of the provisions contained in Section 2 (a) of the Administrative Tribunals Act, 1985. At this stage, it will be useful to reproduce Section 2 (a) of the Administrative Tribunals Act, 1985, which thus reads:

“2). Act not to apply to certain persons. The provisions of this Act shall not apply to- (a) any member of the naval, military or air forces or of any other armed forces of the Union.”

3. It cannot be disputed that the Railway Protection Force is an armed force of

the union. We are saying so as the Railway Protection Force has been constituted under the Railway Protection Force Act, 1957. At this stage it will be useful to quote Section 3 of the Act, which thus reads:

3. Constitution of the force.(1) There shall be constituted and maintained by the Central Government [an armed Force of the Union] to be called the Railway Protection Force for the better protection and security of railway property.

(2) The force shall be constituted in such manner shall consist of such number of [superior officers [subordinate officers, under officers and other enrolled members] of the Force and shall receive such pay and other remuneration as may be prescribed.

4. Thus, from the reading of the aforesaid provision it is evident that the Railway Protection Force is an armed force of the Union and thus in view of the provisions contained in Section 2 (a) of the A.T. Act, relevant portion of which has been reproduced above, this Tribunal has got no jurisdiction to entertain the matter. Further, the matter is also squarely covered by the decision rendered by this Tribunal in OA No.2384/2011 Mamta Chaudhary v. Union of India & Anr. and OA No.2387/2011 Smt. Namrata Singh v. Union of India & Anr., decided on 14.07.2011, which relates to the appointment under Central Industrial Security Force (CISF) Act, 1968. At this stage, it will be useful to quote paras 7 & 8 of the said judgment, which thus read:

“7. Thus, from the reading of the aforesaid provision, it is evident that the CISF is an Armed Force of the Union. It may further be stated here that the Administrative Tribunal was created in terms of the provisions contained in Administrative Tribunals Act, 1985 in pursuance of the provisions contained in Article 323A of the Constitution. The Act provides for the adjudication or trial by the Administrative Tribunal of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or under the control of the Government of India or of any Corporation or society owned or controlled by the Government in pursuance of Article 323A of the Constitution and for matters connected therewith or incidental thereto. For that purpose, jurisdiction power and authority was conferred in relation to the aforesaid matters to this Tribunal by Section 14 of the Administrative Tribunals Act, 1985. Section 2 of the said Act stipulates that the provisions of this Act shall not apply to the categories mentioned in clauses (a) to (d) of the said Section. Here we are concerned with Section 2 (a), which has been reproduced in the earlier part of the judgment. Thus, if the matter is examined in the light of statutory provisions, as reproduced above, we are of the view that the provisions of Section 2 (a) of the Administrative Tribunals Act, 1985 is fully attracted in the instant case and the jurisdiction of this Tribunal is ousted, as the grievance raised by the applicant and the matter which is required to be decided in this case is relating to the recruitment and appointment of the applicants as Sub Inspector in CISF which organization admittedly is Armed Forces of the Union. Thus, according to us, this Tribunal has got no jurisdiction to entertain the matter on this point. Further the law on this point is no longer res integra and is fully covered by the ratio as laid down by the Full Bench judgment in Satendra Narain Pandey Vs. Union of

India and others OA-2478/91 decided on 5.2.1993 (CAT (F.B.) Vol.III page 183). The Full Bench after considering the provision of Section 2 (a), Section 14, 28 of the Administrative Tribunals Act, 1985 and Article 323-A of the Constitution in para 7 has inter alia held that 7. . The Tribunal has not been conferred jurisdiction to adjudicate all types of disputes of the specified personnel. Jurisdiction is conferred only in relation to their recruitment and service matters. Other types of disputes of these personnel are outside the jurisdiction of the Tribunal. Section 2(a) is an exception to Section 14. Therefore, when Section 2 (a) says that the provisions of the Act shall not apply to a member of the armed forces of the Union, it means that provisions of the Act shall not apply to adjudication of disputes relating to recruitment and service matters. In other words, the disputes in regard to recruitment and conditions of service of members of the armed forces of the Union are outside the purview of the Act. Mere membership of the armed forces of the Union is not enough to oust the jurisdiction of the Tribunal. The jurisdiction of the Tribunal would be ousted only if the dispute relates to recruitment to the armed forces. We may illustrate the meaning with examples. Let us take the case of a person who had held a civil post under the Union of India, resigned from the said post and became a member of the armed forces of the Union. If after his becoming a member of the armed force of the Union, he applies to the Tribunal to recover arrears of pay in regard to the civil post held by him, can his application to the Tribunal be rejected on the ground that he was a member of the armed force of the Union on the date of the application? The answer can only be No. The reason is that the dispute which he has raised has nothing to do with his membership of the armed forces of the Union. Suppose, a member of the armed force of the Union after his retirement from the armed force is appointed to a civil post under the Union. If he has any dispute regarding his conditions of service as an erstwhile member of the armed force of the Union, he would not be entitled to invoke the jurisdiction of the Tribunal as the dispute relates to his conditions of service as the member of the armed forces of the Union even though on the date he invokes the jurisdiction of the Tribunal, he was not a member of the armed forces of the Union. Hence, on a true interpretation of Section 2 (a) of the Act, we hold that the Act does not apply to matters relating to recruitment to armed force of the Union and to service matters of members of the armed force of the Union.

8. Thus, from the portion as quoted above, it is clear that the Full Bench has categorically held that mere membership of the Armed Forces of the Union is not enough to oust the jurisdiction of the Tribunal under Section 2 (a) of the Act and what is necessary to oust the jurisdiction is whether the dispute relates to recruitment to the Armed Forces of the Union. As already stated above, the grievance highlighted by the applicants in these OAs is regarding recruitment and appointment to the post of Sub-Inspector in CISF, as such, we are of the view that the provisions of Section 2 (a) of the Act is clearly attracted and the jurisdiction of this Tribunal is ousted to decide the matter relating recruitment of the applicant to the post of Sub-Inspector of Para Military Forces, Central Police Organisation pursuant to the advertisement issued by the applicant (Annexure A-1) for filling up the posts of Sub Inspector in CRPF, CISF, ITBP, SSB, BSF and the applicant being female candidates were eligible to

appear for two posts with CISF and CRPF. Thus, in view of what has been stated above, we reiterate that this Tribunal is not the proper forum for redressal of the aforesaid grievances in view of provisions contained under Section 2 (a) of the Administrative Tribunals Act, 1985. Therefore, both these OAs are disposed of being not maintainable and applicant will have to approach the proper forum for redressal of their grievances.”

5. The reasoning given by this Tribunal in the case of Mamta Chaudhary (supra) in paras 7 & 8 is squarely applicable in the facts and circumstances of the case, as similar provision was there in Section 3 of the CISF Act, 1968, thereby constituting CISF as an armed force of the Union. Therefore, the present OA is disposed of being not maintainable and it will be open for the applicant to approach the proper forum for redressal of his grievances.”

4. In view of the above submissions of the learned counsel for the respondents, the OA cannot be dealt with by this Tribunal due to jurisdictional constraint.

5. The O.A. is dismissed. There shall be no order as to costs.

(B.V.SUDHAKAR)
MEMBER (ADMN.)

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