

(1987) 07 PAT CK 0035
In the Patna High Court
Case No : SLP No. 5880, 15992 of 1986

Bada Nand Singh and Others

APPELLANT

Vs

The Director General, Central Industrial Security Force and
Others

RESPONDENT

Date of Decision : 20-07-1987

Acts Referred:

Administrative Tribunals Act, 1985 — Section 19, 2
Central Industrial Security Force Act, 1968 — Section 3
Constitution of India, 1950 — Article 32

Citation : (1987) 35 BLJR 836

Hon'ble Judges : B.C. Ray, J;A.P. Sen, J

Bench : Division Bench

Final Decision : Allowed

Judgement

A.P. Sen and B.C. Ray, JJ.—Special leave granted. Arguments heard.

2. We had by order, dated October 1, 1986 issued notice in SLP No. 5880/86 and permitted the appellant to withdraw the connected petition under Article 32 of the Constitution filed by them, with liberty to move the Central Administrative Tribunal, Thereafter, the appellants made an application against the termination of their services by the impugned orders passed by the Commandant, Central Industrial Security Force, Bharat Coking Coal Limited, Dhanbad u/s 19 of the Administrative Tribunals Act, 1985, before the Central Administrative Tribunal, Patna Bench but the Tribunal by its order, dated November 18, 1986 at the stage of admission returned the application on the ground that the Tribunal had no jurisdiction to entertain the application made inasmuch as the appellants admittedly were members of the armed force of the Union by reason of Section 2(a) of the Act.

3. After hearing learned Counsel for the parties, we feel that in the circumstances the matter should be remitted back to the High Court for determining the questions raised in the writ petition. In view of Section 3(1) of

the Central Industrial Security Force Act, 1968, there can be no doubt that the appellants were members of the armed, force of the Union, as held by the Tribunal. That being so, the Tribunal had no jurisdiction to entertain the applications in view of Section 2(a) of the Administrative Tribunals Act, 1985.

4. We accordingly allow the appeals, set aside the judgment and order of the High Court dismissing the writ petition in limine and direct that the High Court shall hear and dispose of the same on merits as expeditiously as possible. No costs.