
(2026) 01 CAT CK 1349

In the Central Administrative Tribunal, Allahabad Bench, Allahabad

Case No : Civil Miscellaneous Delay Condonation Application No 1757 Of 2025 In
Original Application Bearing Diary No. 1931 Of 2025

Shital D/o Mangal Ram

APPELLANT

Vs

Union Of India & Ors

RESPONDENT

Date of Decision : 16-01-2026

Acts Referred:

Administrative Tribunals Act, 1985 — Section 2, 14

Citation : (2026) 01 CAT CK 1349

Hon'ble Judges : Om Prakash VII, Member (J); Mohan Pyare, Member (A)

Bench : Division Bench

Advocate : P.S. Kushwaha, Udai Singh, Ram Chandra Sahu

Final Decision : Dismissed

Judgement

Om Prakash VII, Member (J)

1. Shri P.S. Kushwaha, learned counsel for the applicant and Shri R.C. Sahu, learned counsel for the respondents, were present at the time of hearing.

2. A question has been raised on behalf of the learned counsel for the respondents regarding the maintainability of the present OA. Thus, we have heard learned counsel for the parties on the point of maintainability of the present OA before this Bench.

3. The instant original application has been filed by the applicant seeking following relief:

"(i) That this Hon'ble Tribunal may graciously be pleased to kindly quash and set aside the impugned rejection order dated 01.04.2015 passed by the respondent authority (Annexure No. 1 to this Original Application)

(ii) That this Hon'ble Tribunal may kindly be pleased to kindly, direct the respondents to issue her appointment letter for the post of Constable in Railway Protection Force (RPF) under the OBC category.

(iii) That the respondents be directed to comply with the order of the Hon'ble Allahabad High Court in Writ Petition No. 4650/2015 and 4.2.2025, and decide the applicant's representation forthwith.

(iv) That the respondents be directed to treat the applicant as an OBC candidate and extend her all benefits accordingly.

(v) That any other relief or order as deemed just and proper by this Hon'ble Tribunal may also be granted in favour of the applicant."

4. Learned counsel for the applicant submitted that although the dispute has been raised by the applicant regarding his selection in Railway Protection Force on the post of Constable, while RPF personnel are Railway employee and grievance of the Railway employees are redressable before the administrative Tribunal. It is further argued that the applicant had earlier approached before the Hon'ble High Court of Allahabad through Writ A No 4650 of 2015 which was decided on 29.01.2015 to decide the representation of the applicant. It was further argued that when the applicant's grievance was not redressed by the respondents, he again approached before the Hon'ble High Court of Allahabad through Writ A No 18882 of 2024 and in the aforesaid writ, objection regarding the maintainability of the writ petition before the Hon'ble High Court was raised on behalf of the respondents. Thus, at the request of the petitioner, applicant's writ petition was dismissed with liberty to the applicant to challenge the order before the Central Administrative Tribunal. He also states that after the order was passed on 04.02.2025 in the aforesaid writ petition, the applicant has approached before this Tribunal and the instant OA is well maintainable and grievance raised by the applicant is redressable by this Tribunal. In support of his statement, learned counsel for the applicant has placed reliance upon the judgment dated 26.09.2023 passed by the Hon'ble Supreme Court of India in Civil Appeal No 3592 of 2019 titled Commanding Officer, Railway Protection Special Force, Mumbai Vs Bhavnaben Dinshbhai Bhabhor & Others.

5. Learned counsel for the respondents argued that the applicant had applied for the selection on the post of Constable in Railway Protection Force (RPF). RPF has been declared as armed forces. Since post of Constable in the RPF is a combatised personnel post and there is an exclusion clause in the Administrative Tribunals Act itself, thus, Tribunal has no jurisdiction to decide the issue raised by the applicant. It is also argued that only grievance of persons holding civilian posts in the armed forces is redressable before Central Administrative Tribunal and thus referring to his submission, learned counsel for the respondents argued that the instant OA be dismissed for want of jurisdiction. In support of his submission, learned counsel for the respondents has placed reliance upon the judgment dated 12.06.2019 passed by the Hyderabad Bench of Central Administrative Tribunal in Original Application No 1189 of 2015 titled Ch. Appalaraju Vs Senior Divisional Security Commissioner, RPF, South Central Railway, Vijayawada, Krishna District and others.

6. We have considered the rival contentions and carefully perused the records and also meticulously gone through the case laws relied upon.

7. Before discussing the submissions raised across the Bar, it will be useful to refer to the observation recorded by the Hon'ble Supreme Court of India in the case of Bhavanaben Dinshbhai Bhabhor (supra). In this matter, an employee of RPF had filed claim petition before the Railway Claims Tribunal under Employee Compensation Act, 1923 and Tribunal had dismissed the claim petition for want of jurisdiction. Order passed by the Tribunal was challenged before the Hon'ble High Court which was also dismissed. Thereafter, the matter came up for consideration before the Hon'ble Supreme Court of India in the aforesaid appeal. To decide the issue, Hon'ble Supreme Court formulated two questions which are as follows:

"(i) Whether a Constable of a Railway Protection Force (RPF) can be treated as a "Workman" under Section 2(1)(n) of the 1923 Act even though, by virtue of amended Section 3 of the 1957 Act, he is a member of the Armed Forces of the Union?

(ii) Whether, on account of availability of alternative remedy to apply for compensation under Sections 124 and 124-A of the 1989 Act, a claim under the 1923 Act is maintainable?"

The relevant portion of the aforesaid judgment is quoted herein below:

"58. In the light of the above decision, it would be useful to explore the purpose of the amendment brought by the Adaptation Order of 1950 (supra) with reference to Article 372(2) of the Constitution of India. Indisputably, the 1923 Act is a preindependence statute therefore, on India being declared a Republic by our Constitution, the use of the phrase "His Majesty's naval, military or air forces" appearing therein became antithetical to our Constitution. Hence, to make it in accord with our Constitution, it was considered necessary to substitute the said phrase with the phrase "armed forces of the Union." However, neither the Constitution of India (see Article 366) nor The General Clauses Act, 1897 or the 1923 Act defines "armed forces of the Union". Therefore, in our view, mere declaration in Section 3 of the 1957 Act that the RPF shall be an "armed force of the Union" is not sufficient to take it out of the purview of the 1923 Act. In our view, what assumes importance is the legislative intent. That is, whether by declaring a member of the RPF as a member of the armed force of the Union, the legislature intended to take away the benefits which he would have otherwise got by virtue of being a railway servant within the meaning of Section 2 (34) of the 1989 Act.

59. The definition of a "Railway Servant" as contained in Section 2 (34) of the 1989 Act was amended vide Act No.51 of 2003, with effect from 1.7.2004. By such amendment, notwithstanding that from 20.09.1985 the RPF was declared an armed force of the Union, the definition of a Railway Servant included a member of the RPF. Therefore, since a railway servant continued to be a

workman as per Section 2(1)(n)(i) of the 1923 Act, the provisions of the 1923 Act would continue to apply to a member of the RPF as he does not belong to any of those categories specified in Schedule II of the 1923 Act. More so, when there is nothing in the Railways Act, either new or old, which may exclude the applicability of the 1923 Act on a railway servant. Rather, Section 128 of the 1989 Act makes it clear that right of any person to claim compensation under Section 124 or Section 124-A of the 1989 Act shall not affect the right of any such person to recover compensation payable under the 1923 Act. Likewise, Section 19 of the 1957 Act, which was simultaneously amended vide Act No.60 of 1985, with effect from 20.09.1985, along with Section 3 of the 1957 Act, declaring RPF as an armed force of the Union, did not make any provision to exclude the applicability of the 1923 Act. Not only that, Section 10 of the 1957 Act was also amended vide Act No.60 of 1985. It too, declared every member of the Force (RPF) to be regarded as railway servant for all purposes other than Chapter VIA of the 1890 Act, which relates to limitation on duty hours, etc. Thus, in our considered view, despite declaring RPF as an armed force of the Union, the legislative intent was not there to exclude its members or their heirs from the benefits of compensation payable under the 1923 Act or the 1989 Act."

Similarly, Section 2 of the Administrative Tribunals Act, 1985 stipulates as upon whom, the Administrative Tribunals cannot exercise their jurisdiction, is also quoted herein below:

"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.

[***]

(c) Any officer or servant of the Supreme Court or of any High Court [or Courts subordinate thereto];

(d) Any person appointed to the secretarial staff of either house of Parliament or to the secretarial staff of any State Legislature or a House thereof or, in the case of a Union Territory having a Legislature, of that Legislature."

Similarly, Section 14 of the Administrative Tribunals Act, 1985 which deals with the jurisdiction, powers and authority of Tribunals is quoted herein below:

"14. Jurisdiction, powers and authority of the Central Administrative Tribunal.—
(1) Save as otherwise expressly provided in this Act, the Central Administrative Tribunal shall exercise, on and from the appointed day, all the jurisdiction, powers and authority exercisable immediately before that day by all courts (except the Supreme Court 2***) in relation to—

(a) recruitment, and matters concerning recruitment, to any All-India Service or to any civil service of the Union or a civil post under the Union or to a post

connected with defence or in the defence services, being, in either case, a post filled by a civilian;i

(b) all service matters concerning—

(i) a member of any All-India Service; or

(ii) a person [not being a member of an All-India Service or a person referred to in clause (c)] appointed to any civil service of the Union or any civil post under the Union; or

(iii) a civilian [not being a member of an All-India Service or a person referred to in clause (c)] appointed to any defence services or a post connected with defence, and pertaining to the service of such member, person or civilian, 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 3 [or society] owned or controlled by the Government;

(c) all service matters pertaining to service in connection with the affairs of the Union concerning a person appointed to any service or post referred to in sub-clause (ii) or sub-clause (iii) of clause (b), being a person whose services have been placed by a State Government or any local or other authority or any corporation 3 [or society] or other body, at the disposal of the Central Government for such appointment.

[Explanation.—For the removal of doubts, it is hereby declared that references to “Union” in this sub-section shall be construed as including references also to a Union territory.]

(2) The Central Government may, by notification, apply with effect from such date as may be specified in the notification the provisions of sub-section (3) to local or other authorities within the territory of India or under the control of the Government of India and to corporations 3 [or societies] owned or controlled by Government, not being a local or other authority or corporation 3 [or society] controlled or owned by a State Government:

Provided that if the Central Government considers it expedient so to do for the purpose of facilitating transition to the scheme as envisaged by this Act, different dates may be so specified under this sub-section in respect of different classes of, or different categories under any class of, local or other authorities or corporations 1 [or societies].

(3) Save as otherwise expressly provided in this Act, the Central Administrative Tribunal shall also exercise, on and from the date with effect from which the provisions of this sub-section apply to any local or other authority or corporation 1 [or society], all the jurisdiction, powers and authority exercisable immediately before that date by all courts (except the Supreme Court 2***) in relation to—

(a) recruitment, and matters concerning recruitment, to any service or post in connection with the affairs of such local or other authority or corporation 1 [or

society]; and

(b) all service matters concerning a person [other than a person referred to in clause (a) or clause (b) of sub-section (1)] appointed to any service or post in connection with the affairs of such local or other authority or corporation 1 [or society] and pertaining to the service of such person in connection with such affairs."

Hon'ble Supreme Court in the case of Bhavanaben Dinshbhai Bhabhor (supra) has held that the provision of the 1923 Act would continue to apply to the member of the RPF. It was also observed that nothing is in the Railway Act either new or old which may exclude the applicability of the 1923 Act on the Railway servant. Hon'ble Supreme Court has also held that in respect of the Employee Compensation Act, 1923, RPF members will be deemed as Railway employee. The proposition laid down by Hon'ble Supreme Court in the case of Bhavanaben Dinshbhai Bhabhor (supra) is relating to grant of compensation under the Employee Compensation Act, 1923. Since specific exclusion clause has been provided in Section 2 of the Administrative Tribunal Act, 1985 which enshrines that provision of this Act shall not apply to any member of the Naval, Military or Air Force or on the member of any other Armed Forces of the Union. Thus, the applicant, in our view, cannot get any help with the ratio laid down in Bhavanaben Dinshbhai Bhabhor (supra) case to get the issue involved in this particular matter decided by this Tribunal itself. It is undisputed fact that RPF is also declared as armed forces of the Union. This issue came up for consideration before a full Bench of the Principal Bench of Central Administrative Tribunal in OA No 2478 of 1991 titled Satyendra Narayan Pandey Vs Union of India and others which was decided on 05.02.1993 and also before a full Bench of the Lucknow Bench of Central Administrative Tribunal in Diary No 2524 of 2023 titled Brij Mohan Yadav Vs Union of India and others decided on 01.09.2025. For the sake of clarity, the relevant portion of the judgment passed in the case of Satyendra Narayan Pandey (supra) is quoted herein below:

"7. Article 323-A of the Constitution provides for enactment of law by the Parliament for the adjudication or trial by administrative tribunals 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 owned or controlled by the Government. It further provides that such law may specify the Jurisdictions, powers and authority which may be exercised by such Tribunals. The Parliament has enacted this Act as provided in Article 323-A of the Constitution of India. The preamble to the Act gives its object in the following words:

"An act to provide for the adjudication or trial by Administrative Tribunals of disputes and complaints with respect to recruitment ad 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 323-A of the Constitution and for matters connected therewith or incidental thereto".

The object of establishment of the Administrative Tribunal is to provide a specialized forum for adjudication 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 etc. The object has to be borne in mind in construing Section 2(a) of the Act. Section 14 of the Act speaks of the jurisdiction, powers and authority of the Tribunal and reads:

"14. Jurisdiction, powers and authority of the Central Administrative Tribunal.

(1) Save as otherwise expressly provided in this Act, the Central Administrative Tribunal shall exercise, on and from the appointed day, all the jurisdiction, powers and authority exercisable immediately before that day by all courts (except the Supreme Court) in relation to-

(a) recruitment, and matters concerning recruitment, to any All India Service or to any civil service of the Union or a civil post under the Union or to a post connected with defence or in the defence services, being, in either case, a post filled by a civilian;

(b) all service matters concerning-

(1) a member of any All India Service; or

(ii) a person (not being a member of an All-India Service or a person referred to in clauses (c) appointed to any civil service of the Union or any civil post under the Union; or

(iii) a civilian (not being a member of an All India Service or a person referred to in clause (c) appointed to any defence services or a post connected with defence,

and pertaining to the service of such member, person or civilian, 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.

(c) all service matters pertaining to service in connection with the affairs of the Union concerning a person appointed to any service or post referred to in sub-clause (II) or sub-clause (iii) of clause (b), being a person whose services have been placed by a State Government or any local or other authority or any corporation (or society) or other body, at the disposal of the Central Government for such appointment".

The expression 'Service matters' has been defined as follows:

"3(q). 'Service matters', in relation to a person, means all matters relating, to the conditions of his service 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, as the case may be, of any corporation (or society) owned or controlled by the Government, as respects-

- (1) remuneration (including allowances), pension and other retirement benefits;
- (11) tenure including confirmation, seniority, promotion, reversion, premature retirement and superannuation;
- (III) leave of any kind:
- (iv) disciplinary matters; or
- (v) any other matter whatsoever."

Section 28 of the Act excludes jurisdiction of all courts except the Supreme Court under Article 136 of the Constitution in respect of matters which fall within the jurisdiction of the Tribunal. It is, therefore, clear that the Tribunal has been conferred exclusive jurisdiction in relation to recruitment and conditions of service of the personnel specified in Section 14 of the Act. The personnel specified are:

- (i) members of All India Service,
- (ii) persons appointed to any civil service of the Union or any civil post under the Union; and
- (iii) civilians appointed to any defence services or post connected with defence.

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 the 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”.

Similarly, the relevant portion of the judgment passed in the case of Brij Mohan Yadav (supra) is quoted herein below:

“20. From the reading of the judgment passed in Alok Kumar Das (supra) case, it is evident that the Tribunal dismissed the OA for want of jurisdiction observing that though the original applicant placed reliance on various decisions to show that this Tribunal exercised jurisdiction over the person identically placed, however, in none of those decisions, the specific issue of jurisdiction of this Tribunal was in question. Thus, OA was dismissed for want of jurisdiction. In para No. 6 of the judgment as quoted hereinabove, the Tribunal relied upon A. Prabhakaran (supra) case and has also observed that 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. Thus, it appears that Tribunal dismissed the OA on the ground that whether staff is belonging to combatised or non-combatised, in no case Tribunal has jurisdiction to redress the grievance raised by them. In K.N. Saji Kumar (supra) case in which the present applicant was also one of the applicant, the Tribunal in para No. 3 has overruled the objection of the jurisdiction taken by the respondents and has further observed that applicants, who were para-medical staff of CRPF are observed to be civilians and amenable to the jurisdiction of this Tribunal, as similar claim has been allowed and the applicants’ case are also covered by the previous decisions, which has attained finality.

21. It may be pertinent to mention here that combatised staff of the CRPF, who were also working in the hospital as Nursing Staff in the same capacity as the non-combatised staff of CRPF were working approached before the Hon’ble Delhi High Court for the same relief for Hospital Care Allowances and the Hon’ble Delhi High Court in Sunil Kumar (supra) case irrespective of this fact that petitioners were combatised hospital staff allowed Hospital Care Allowance on the ground that they were performing the same duty as non-combatized staff were doing the duty. In paragraph No. 4, the Hon’ble Delhi High Court has also observed that non-combatised staff had approached before the Principal Bench of Central Administrative Tribunal for hospital care allowance, which was allowed. It has also been observed that against the judgment of Principal Bench of Central

Administrative Tribunal, Union of India had filed a Civil Appeal No. 11966 of 1996 titled as Union of India Vs. T.M Jose and others before the Hon'ble Supreme Court, which was dismissed on 17.10.2001 (order has also been quoted hereinabove).

22. Now the question is whether ratio laid down in K.N. Saji Kumar and others (supra) case is correct decision or Alok Kumar Das (supra) case. It is pertinent to mention here that similar issue has already been decided by the Full Bench of the Central Administrative Tribunal, Principal Bench, New Delhi in OA No. 2478 of 1991 decided on 5.2.1993 Satyendra Narayan Pandey Vs. Union of India and others. Relevant portion has already been quoted hereinabove and in the Full Bench judgment it has been observed that mere membership of the armed forces of the Union is not enough to oust the jurisdiction of the Tribunal, although grievance raised in that OA was not redressable by the Tribunal. Thus, it was also observed that Act does not apply to matters relating to recruitment to armed forces of the Union and to service matters of members of the armed force of the Union.

23. In case of T.M Jose (supra) non-combatised staff had approached before the Tribunal for hospital care allowance and the same was allowed even was affirmed by the Hon'ble Supreme Court, the Full Bench decision passed in Satyendra Narayan Pandey (supra) case still survives, thus, decision of Hon'ble Supreme Court in T.M. Jose (supra) is binding upon the Tribunal. Similarly judgment passed in O.A. No. 2478 of 1991 (supra) (Full Bench) was on the same issue, is also binding on all the subsequent Division Benches, Single Benches as well as equal strength Full Benches. Full Bench in Satyendra Narayan Pandey (supra) case clearly held that mere membership of the armed forces of the Union is not enough to oust the jurisdiction of the Tribunal meaning thereby the personnels/ staff working in armed forces of the Union can be categorized in two categories i.e. non-combatised civilian staff as well as combatised staff. If the Sunil Kumar (supra) decision passed by Hon'ble Delhi High Court is taken into consideration, Hon'ble Delhi High Court relying on the decision of the Hon'ble Supreme Court passed in T.M. Jose (supra) case has allowed the hospital care allowances to the combatised staff also doing the same nature of work.

24. In A. Prabhakaran (supra) case, which has been relied upon in Alok Kumar Das (supra) case in para 18 it has clearly been held that "the applicant who was also not holding a civil post under the Union or a post connected with defence or any defence service and is not covered by the exception in Section 14 of the Administrative Tribunals Act, 1985". This clearly reflect that Tribunal while passing the judgment in the aforesaid OA has drawn distinction between civilian staff i.e. non-combatised staff and combatised staff of Armed Forces of the Union.

25. In Alok Kumar Das (supra) case although Tribunal has relied upon A. Prabhakaran (supra) case but did not draw any distinction between civilian non-combatised staff and combatised staff and without taking into consideration the para No. 18 of the A. Prabhakaran (supra) case OA has been dismissed observing

that Tribunal has no jurisdiction over the service matters of the members of the Armed Forces including non-combatised staff of the CRPF. While dismissing the OA, maintainability of the original application for redressal of their grievance of non-combatised staff doing job of civilian nature of the CRPF was also excluded from the jurisdiction of the Tribunal. Thus, decision passed in Alok Kumar Das (supra) does not lay the correct position of the law. Administrative Tribunal Act itself provide that grievance of the civilian post holder of the Armed Forces are redressible by the Central Administrative Tribunal. It is an exception. Mere nomenclature as Constable etc. will not be sufficient to oust the civilian staff of Armed Forces from the jurisdiction of Central Administrative Tribunal. It is the pattern in Armed Forces to designate the post as Constable etc. irrespective of this fact that those Armed Forces staff are working on civilian post. Decision passed in K.N. Saji Kumar and others (supra) case is based on the decision of Hon'ble Supreme Court and it is also in-line with the decision of the Full Bench of the Principal Bench of this Tribunal in Satyendra Narayan Pandey (supra) case. All the cases of CRPF staff cannot be excluded from the jurisdiction of the Tribunal. A distinction between combatised and non-combatised civilian staff has to be drawn and as per Section 2 (a) of the Administrative Tribunals Act, 1985 exception provided in the Administrative Tribunal Act covers the cases of non-combatised civilian staff of CRPF to be redressed by the Central Administrative Tribunal.

26. Thus, in our considered view we find no any good ground to deviate with the decision of the Hon'ble Supreme Court in T.M. Jose (supra) case as well as Full Bench of Principal Bench of this Tribunal in Satyendra Narayan Pandey (supra) case. K.N. Saji Kumar (supra) case lays the correct position of law and the Alok Kumar Das (supra) case does not lay the correct position of law. Thus, reference made in Diary No. 2524 of 2023 is decided as discussed hereinabove. There is no need of any notification as required under section 14 of Administrative Tribunal Act. Since there is a Full Bench decision on the issue, thus, principle of stare decisis is also applicable in the reference."

8. It is pertinent to record that in the aforesaid quoted cases, the respective Courts have decided that only grievance of a civilian employee posted in the armed forces is redressable before the Tribunal. A distinction has been drawn between the combatised and non-combatised personnel. Since in the present matter, the applicant had applied for the post of Constable which is not a civilian post, Hon'ble High Court in Writ Petition No 18882 of 2024 while dismissing the said writ petition has not dealt with the issue of jurisdiction and only on the prayer of the petitioner, the writ petition was dismissed with liberty to approach before the Tribunal. Since the Tribunal in regard to the selection of the Constable of RPF has no jurisdiction as there is an exclusion clause in the Section 2 of the Administrative Tribunals Act, 1985 and Constable post is not a civilian post and further the post of Constable is a combatised post for which the applicant had applied, thus, we are of the view that Tribunal has no jurisdiction to redress the grievance raised by the applicant in the instant case.

9. Thus, in view of the aforesaid discussion and analysis and strictly in accordance with the ratio laid down in the aforesaid quoted cases and their relevancy in the present case which has already been contemplated minutely in the preceding paragraph, the instant original application bearing Diary No. 1931 of 2025 filed along with Delay Condonation Application MA No. 1757 of 2025, both are liable to be dismissed and the same are accordingly dismissed for want of jurisdiction at this stage itself.

10. All associated MAs stand disposed of. No costs.