
(2026) 01 DEL CK 1381

In the Delhi High Court

Case No : Writ Petition (C) No. 1102 Of 2023 & Civil Miscellaneous Application
Nos. 4349, 10769 Of 2023, 10865, 23257 Of 2025

Union Of India

APPELLANT

Vs

Kapil Gurjar

RESPONDENT

Date of Decision : 16-01-2026

Acts Referred:

Constitution of India, 1950 — Article 136, 323A, 371D
Administrative Tribunals Act, 1985 — Section 2, 2(a), 2(q), 14, 14(1), 14(b), 14(1)(a), 14(1)(b), 14(1)(c)
Railway Protection Force Act, 1957 — Section 2(1)(c), 3, 6, 7, 9, 10, 11, 20
Central Civil Services (Classification, Control and Appeal) Rules, 1965 — Rule 4, 5, 6

Citation : (2026) 01 DEL CK 1381

Hon'ble Judges : Navin Chawla, J; Madhu Jain, J

Bench : Division Bench

Advocate : Chetan Sharma, Nitinjya Chaudhry, Vidhi Gupta, Rahul Mourya, Amit Gupta, Ravi Kumar

Final Decision : Disposed Of

Judgement

Navin Chawla, J

1. The present Writ Petition has been filed, challenging the Order dated 11.11.2022 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No. 42 of 2020, titled Kapil Gurjar v. Ministry of Railways & Anr., whereby the learned Tribunal allowed the O.A. filed by the respondent herein and directed the issuance of an appointment letter to the respondent. The petitioners further challenge the Order dated 22.09.2022 passed by the Full Bench of the learned Tribunal in the above O.A., wherein it was held that the learned Tribunal had the jurisdiction to entertain a challenge to the recruitment process for appointment to the Railway Protection Force ("RPF").

BRIEF FACTS OF THE CASE:

2. The petitioner had issued a notification inviting applications for vacancies to the post of Sub-Inspector in the RPF vide Notification No. 02/2018 dated 01.06.2018, pursuant to which the respondent had applied on 29.06.2018 under the OBC category.

3. The respondent applied for the same and was called upon to participate in the Computer Based Test ("CBT"), the Physical Efficiency Test ("PET") and the Physical Measurement Test ("PMT").

4. The respondent successfully qualified the aforesaid tests, pursuant to which his name was included in the list of empanelled candidates shortlisted for the post of Sub-Inspector.

5. The respondent was called for a medical examination vide Letter dated 29.06.2019. Pursuant to the medical examination conducted on 06.07.2019, the respondent was declared medically 'unfit' vide Medical Memo No. 423306 dated 08.07.2019, on the ground that he had undergone Lasik Eye Surgery for vision correction.

6. Aggrieved thereby, the respondent preferred an appeal against the said medical opinion seeking a re-medical examination. It was the case of the respondent before the Appellate Authority that both, government and private ophthalmologists, had issued fitness certificates certifying that he was 'fit' for employment as his vision had been corrected.

7. The Appellate Authority thereafter constituted a Medical Board comprising three doctors to assess the medical status of the respondent. Upon examination, the Medical Board observed that the respondent had been correctly declared medically 'unfit' in the initial medical examination, as he had undergone Lasik Surgery for vision correction in both eyes.

8. Aggrieved by the Order passed by the Appellate Authority dated 26.09.2019, the respondent filed O.A. No. 42 of 2020 before the learned Tribunal. The learned Tribunal reserved the matter for orders on 21.01.2021.

9. The respondent, however, approached this Court by way of W.P. (C) 3604 of 2021, seeking expeditious disposal of the aforesaid O.A.. The same was dismissed by this Court vide Order dated 19.03.2021.

10. Subsequently, the learned Tribunal, vide Order dated 16.09.2021, referred the matter to the Full Bench of the learned Tribunal to decide the following questions:

"(i) Whether grievance qua one's selection/ recruitment/ appointment to a post under the RPF shall be amenable to the jurisdiction of this Tribunal?

(ii) Whether the grievance of a member of the RPF shall be amenable to the jurisdiction of this Tribunal? And

(iii) Whether once the respondents in the relevant vacancy notice has accepted

the jurisdiction of this Tribunal, they are estopped from raising an objection qua lack of jurisdiction of this Tribunal after such notification has culminated into final selection for the post(s) under the RPF?”

11. The respondent again approached this Court by way of a Writ Petition, being W.P. (C) 1345 of 2022, seeking the constitution of a Full Bench of the learned Tribunal. The said Writ Petition was allowed vide Order dated 21.01.2022, directing the Chairperson of the learned Tribunal to address the concern raised by the respondent.

12. Subsequently, the respondent filed another Writ Petition, being W.P. (C) 13011 of 2022, seeking a direction to the RPF to grant provisional appointment to the respondent, along with a prayer that the matter be decided independently in the event the Full Bench of the learned Tribunal upholds the jurisdiction of the learned Tribunal. This Court, vide Order dated 07.09.2022, directed the learned Tribunal to constitute a Full Bench within a week from the date of the said order and further directed the Full Bench to conclude the hearing of the aforesaid O.A. within two weeks from the date of the said order.

13. The Full Bench of the learned Tribunal, vide the Impugned Order dated 22.09.2022, decided the issue of jurisdiction in favour of the respondent, observing that the RPF is an integral part of the Indian Railways and that all posts under the Indian Railways fall within the jurisdiction of the learned Tribunal. The Full Bench further held that since the respondent was neither employed by nor was on the payroll of the RPF, he was amenable to the jurisdiction of the learned Tribunal. The Full Bench thereafter transferred the matter back to the original Bench of the learned Tribunal for adjudication on the merits of the claim raised by the respondent.

14. The concerned Bench of the learned Tribunal, vide the Impugned Order dated 11.11.2022, allowed the aforesaid O.A. and directed the petitioner to confirm the appointment of the respondent as a Sub-Inspector, along with all consequential benefits on a notional basis, within a period of six weeks from the date of the Impugned Order.

15. Aggrieved thereby, the petitioner has approached this Court by way of the present Writ Petition.

SUBMISSION OF THE LEARNED ADDITIONAL SOLICITOR GENERAL APPEARING FOR THE PETITIONER:

16. Mr.Chetan Sharma, the learned Additional Solicitor General, appearing for the petitioner, submits that the Full Bench of the learned Tribunal has erred in holding that even recruitment matters pertaining to the RPF, which is an Armed Force, would fall within the jurisdiction of the learned Tribunal notwithstanding the bar contained in Section 2(a) of the Administrative Tribunals Act, 1985 (hereinafter referred to as the, 'Act').

17. He submits that the Indian Administrative and Civil Services may broadly be

classified into the following categories, which are as under:

- a) All India Services, regulated by the All-India Services Act, 1951 and the All India Services (Conduct) Rules, 1968, which includes the Indian Administrative Service, the Indian Police Service, and the Indian Forest Service;
- b) Central Civil Services, regulated by the Central Civil Services (Classification, Control and Appeal) Rules, 1965 and the Central Civil Services (Conduct) Rules, 1964. These comprise various Civil Services, including inter alia, the Indian Foreign Service, the Indian Revenue Service, and the Indian Administrative Service. The Central Civil Services are further classified into Group 'A', Group 'B', and Group 'C' Services, corresponding to the rank, status, and degree of responsibility attached to the post. Central Group 'A' Services are further broadly classified into Non-Technical Services, Technical Services, Health Services, and other Services. Such exercise of classification undertaken by the Union Public Service Commission, is for the purposes of conducting examinations for direct recruitment to Group 'A' posts/cadres or for cadre review. This classification, however, does not in any manner alter or dilute the character of an organisation as an Armed Force, where such character otherwise exists;
- c) Defence Services, being services under the Government of India in the Ministry of Defence, paid out of defence service estimates and not subject to the Army Act, Navy Act, or the Air Force Act; and
- d) State Civil Services, which are regulated and governed by the service rules and regulations framed by the respective States.

18. He submits that so far as the Armed Forces of the Union are concerned, they may be classified into:

I. Armed Forces run by the Ministry of Defence, such as the Army, Navy, and the Air Force;

II. Armed Forces run and maintained by the Ministry of Home Affairs, such as the Border Security Force (BSF), Indo-Tibetan Border Police (ITBP), Central Reserve Police Force (CRPF), Central Industrial Security Force (CISF), and Sashastra Seema Bal (SSB), collectively referred to as the Central Armed Police Forces (CAPFs); and,

III. Armed Forces run by the Ministry of Railways, such as the Railway Protection Force (RPF) and the Railway Protection Special Force (RPSF).

19. He submits that Armed Forces, being distinct and separate services, are required to be dealt with independently. He submits that this distinction assumes significance in the present case inasmuch as Section 2(a) of the Administrative Tribunals Act, 1985 specifically excludes the application of the provisions of the Act to any member of the Naval, Military, or Air Force, or of any other 'Armed Forces of the Union'.

20. He further submits that Section 3 of the Railway Protection Force Act, 1957

(hereinafter referred to as the 'RPF Act') expressly declares the RPF to be an 'Armed Force of the Union'. Consequently, by virtue of Section 2(a) of the Act, the provisions of the Act stand excluded in their application to the RPF. He submits that Section 2(a) of the Act, being an exception to Section 14 of the Act, would therefore exclude even matters relating to recruitment to the RPF from the jurisdiction of the learned Tribunal.

21. He further submits that, since the RPF is an Armed Force of the Union, recruitment therein is neither to an All India Service, nor to a Civil Service of the Union, nor to a civil post in Defence or in Defence Services, and therefore, the learned Tribunal lacks jurisdiction to entertain any dispute relating thereto.

18. He submits that the mere inclusion of the RPF in the Non-Technical Category of Central Group 'A' Civil Services in the DoP&T Office Memorandum dated 15.02.2017, does not render it a Civil Service of the Union, nor does it vest jurisdiction in the learned Tribunal to adjudicate the recruitment matters relating to an Armed Force.

19. He further submits that the RPF has been described as an organized Group 'A' Service in the DoP&T Office Memorandum dated 12.07.2019 solely for the limited purpose of Non-Functional Financial Upgradation (NFFU), which, by itself, does not alter the character of the RPF so as to make it a Civil Service of the Union. He submits that for the said reason, the judgments of the Supreme Court in Union of India & Ors. v. Sri Harananda & Ors., (2019) 14 SCC 126, and of this Court in G. J. Singh & Ors. v. Union of India & Ors., (2015) SCC OnLine Del 11803, would have no application to the facts of the present case.

20. He submits that a similar view has been taken by the Supreme Court in Mohammed Ansari v. Union of India & Ors., (2017) 3 SCC 740; by the Calcutta High Court in Dr. Banipada Saha v. Union of India & Ors., (1994) SCC OnLine Cal 190; by the Himachal Pradesh High Court in Tej Singh v. Union of India & Anr., (1987) SCC OnLine HP 29; by the Full Bench of the learned Tribunal, New Delhi in Satyendra Narayan Pandey v. Union of India & Ors., (1993) SCC OnLine CAT 48; by this Court in Navdeep v. Union of India & Ors., 2023:DHC:6173-DB; by the learned Tribunal, Jabalpur Bench in Swati Yadav v. Union of India & Ors., [WP 21433/2019]; by the learned Tribunal, Hyderabad Bench in Ch. Appalaraju v. The Senior Divisional Security Commissioner, Railway Protection Force & Ors., [O.A. No. 021/01189/2015]; by the learned Tribunal, Principal Bench in Ajay Singh v. Union of India & Ors., 2014 SCC OnLine CAT 1378; and by the learned Tribunal, Principal Bench in Mamta Chaudhary v. Union of India & Anr., 2011 SCC OnLine CAT 3292.

21. He submits that Section 2(a) of the Act, being a specific exclusionary provision, would prevail over the general jurisdictional provision contained in Section 14 of the Act, and must, therefore, be given full effect. In support thereof, he places reliance on the judgments of the Supreme Court in J. K. Cotton Spinning & Weaving Mills v. State of U.P., AIR 1961 SC 1170, and South

India Corporation v. Secretary, Board of Revenue, AIR 1964 SC 207.

22. He further submits that the expression 'member' occurring in Section 2(a) of the Act would include a person/candidate seeking recruitment to an Armed Force, and is not confined only to a person already serving in an Armed Force.

23. We may also note that, although the learned Additional Solicitor General sought to advance submissions even on the merits of the dispute, including the rejection of the respondent's candidature on account of having undergone LASIK surgery, we deemed it appropriate to first consider the issue of jurisdiction of the learned Tribunal.

SUBMISSIONS OF THE LEARNED COUNSEL FOR THE RESPONDENT:

24. Mr. Ravi Kumar, the learned counsel appearing for the respondent, on the other hand, submits that Section 14 of the Act confers jurisdiction upon the learned Tribunal in respect of matters relating to recruitment to, inter alia, any Civil Service of the Union. He submits that Section 14(b) of the Act confers jurisdiction upon the learned Tribunal in relation to all "service matters" concerning members, persons, or civilians in connection with the affairs of the Union. The expression 'Service Matters' is, in turn, defined under Section 3(q) of the Act to mean all matters relating to the conditions of service. He submits that, therefore, while Section 2(a) of the Act, read with Sections 14(b) and 14(c) of the Act, may exclude the jurisdiction of the learned Tribunal in respect of service matters pertaining to members of the Armed Forces, disputes relating to recruitment and matters connected therewith, including recruitment to a Civil Service of the Union, which would include the RPF, would nevertheless fall within the jurisdiction of the learned Tribunal. He submits that, for these reasons, the judgments relied upon by the learned Additional Solicitor General would have no application to the present case, and that the learned Tribunal, by its Impugned Order dated 22.09.2022, has rightly held that it had jurisdiction to entertain disputes relating to the recruitment process to the RPF.

ANALYSIS AND FINDINGS:

25. We have considered the submissions advanced by the learned counsels appearing for the parties.

26. As noted hereinabove, we are confining the present judgment solely to the issue of jurisdiction of the learned Tribunal to entertain an application concerning matters relating to the recruitment to the RPF.

27. In order to answer the aforesaid issue, it would be apposite to first refer to certain relevant Articles of the Constitution of India and the provisions of the Administrative Tribunals Act, 1985 and the Railway Protection Force Act, 1957.

28. Article 323A of the Constitution of India empowers Parliament to, by law, establish Administrative Tribunals for the 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, 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. The said Article is reproduced hereinbelow:

“323A. Administrative tribunals.

(1) Parliament may, by law, provide 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.

(2) A law made under clause (1) may—

(a) provide for the establishment of an administrative tribunal for the Union and a separate administrative tribunal for each State or for two or more States;

(b) specify the jurisdiction, powers (including the power to punish for contempt) and authority which may be exercised by each of the said tribunals;

(c) provide for the procedure (including provisions as to limitation and rules of evidence) to be followed by the said tribunals;

(d) exclude the jurisdiction of all courts, except the jurisdiction of the Supreme Court under article 136, with respect to the disputes or complaints referred to in clause (1);

(e) provide for the transfer to each such administrative tribunal of any cases pending before any court or other authority immediately before the establishment of such tribunal as would have been within the jurisdiction of such tribunal if the causes of action on which such suits or proceedings are based had arisen after such establishment;

(f) repeal or amend any order made by the President under clause (3) of article 371D;

(g) contain such supplemental, incidental and consequential provisions (including provisions as to fees) as Parliament may deem necessary for the effective functioning of, and for the speedy disposal of cases by, and the enforcement of the orders of, such tribunals.

(3) The provisions of this article shall have effect notwithstanding anything in any other provision of this Constitution or in any other law for the time being in force.”

29. In exercise of the power vested in it under the aforesaid Article, the Parliament enacted the Administrative Tribunals Act, 1985, with the following preamble:

“An Act to provide 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 1 [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.”

30. Section 2 of the Act provides that the provisions of the Act shall not apply to certain categories of persons, including ‘any member’ of the Naval, Military, or Air Forces, or of ‘any other Armed Forces of the Union’. We quote the provision as under:

“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;”

31. To determine the aforesaid exclusion of the provisions of the Act, it is necessary to examine, inter alia, who falls under the category of a ‘member’ of the ‘Armed Forces of the Union’.

32. Section 3 of the RPF Act provides that there shall be constituted and maintained an ‘Armed Force of the Union’ to be called the Railway Protection Force. Therefore, the RPF is an Armed Force of the Union, and there is no dispute in this regard.

33. Section 2(1)(c) of the RPF Act defines the expression ‘member of the Force’ as a person appointed to the Force under the said Act. The provision reads as follows:-

“2(1)(c) “member of the Force” means a person appointed to the Force under this Act.”

34. Therefore, under the Act, in order to be a ‘member of the Force’, a person must be appointed to the Force, that is, only upon appointment, a person becomes a ‘member of the Force’.

35. Section 6 of the RPF Act provides that the appointment of enrolled members of the Force shall vest in the Inspector-General, Additional Inspector-General, or Deputy Inspector-General, who shall exercise such power in accordance with the rules.

36. Section 7 of the RPF Act further provides that, upon appointment, a member of the Force shall receive a certificate, by virtue of which the person holding such certificate shall be vested with the powers of a member of the Force. Section 9 of the RPF Act contains provisions relating to the dismissal, removal, and other disciplinary actions against members of the Force, whereas Section 10 of the RPF Act provides that officers and members of the Force shall be deemed to be

railway servants. Section 11 of the RPF Act enumerates the duties of the members of the Force, while Section 20 of the RPF Act provides protection to members of the Force in respect of any act done by such members in the discharge of their duties. Thus, the RPF Act comprehensively governs persons appointed to the RPF, who are referred to as 'members of the Force'.

37. Section 2(a) of the Act excludes the applicability of the provisions of the Act, inter alia, to a 'member' of an Armed Force. Therefore, the exclusion is for a person who has been appointed to an Armed Force, including the RPF, and not to a person who is aspiring for such appointment.

38. The issue before this Court is whether a person can be excluded from the application of the provisions of the Act even before becoming a member of the Force, that is, even prior to appointment.

39. Section 14 of the Act vests jurisdiction in the learned Tribunal. It reads as follows:

"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—

(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 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.

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 or societies owned or controlled by Government, not being a local or other authority or corporation 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 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 or society, all the jurisdiction, powers and authority exercisable immediately before that date by all courts (except the Supreme Court) 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 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 or society and pertaining to the service of such person in connection with such affairs.”

40. Section 14(1)(a) vests jurisdiction in the learned Tribunal in relation to recruitment matters concerning recruitment to any All-India Service, any Civil Service of the Union, or any civil post under the Union, or a post connected with defence or the defence services, provided that, in either case, the post is filled by a civilian. Section 14(1)(b) of the Act vests jurisdiction in the learned Tribunal in relation to all ‘service matters’ concerning a ‘member’ of an All India Service or a ‘person appointed’ to any Civil Service of the Union or any civil post under the Union, or a ‘civilian appointed’ to any defence service 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 a 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. Section 14(1)(c) of the Act vests jurisdiction in the learned Tribunal in relation to 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-clauses (ii) or (iii) of clause (b) of Section 14 of the Act, being a person whose services have been placed by a State Government, or by any local or other authority, or by any corporation, society, or other body, at the disposal of the Central Government for such appointment.

41. The term 'Service Matters' is defined in Section 2(q) of the Act as under:-

"(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 ⁵ [or society] owned or controlled by the Government, as respects—

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

42. A conjoint reading of the provisions of Section 14(1) of the Act shows that disputes relating to any service matters of, inter alia, members of the Armed Forces of the Union, are expressly excluded from the jurisdiction of the learned Tribunal. Therefore, the learned Tribunal has no jurisdiction with respect to dispute relating to seniority, pay fixation, leave, disciplinary proceedings, etc., relating to a member of an Armed Force. However, as Section 2(a) excludes the applicability of the Act to a 'member' of the Armed Force, that is after the appointment of the person to the Armed Force, we now need to determine whether the dispute relating to recruitment to the Armed Force, including the RPF, would also get excluded from the Act.

43. To answer the above, we shall have to determine whether the RPF is a 'Civil Service of the Union'.

44. Rule 4 of the CCS (CCA) Rules provides for the classification of services, while Rule 5 of the CCS (CCA) states that the Central Civil Services in various groups shall consist of services and grades of services specified in the Schedule thereto. Rule 6 of the CCS (CCA) provides for the classification of posts under the Union, other than those ordinarily held by persons to whom the Rules do not apply. We quote the said Rules as under:

"4. Classification of Services

(1) The Civil Services of the Union shall be classified as follows :- (i) Central Civil Services, Group 'A';

(ii) Central Civil Services, Group 'B'; (iii) Central Civil Services, Group 'C'; (iv) Central Civil Services, Group 'D'.

(2) If a Service consists of more than one grade, different grades of such Service may be included in different groups.

5. Constitution of Central Civil Services

The Central Civil Services, Group 'A', Group 'B', Group 'C' and Group 'D', shall consist of the Services and grades of Services specified in the Schedule.

6. Classification of Posts

Civil Posts under the Union other than those ordinarily held by persons to whom these rules do not apply, shall, by a general or special order of the President, be classified as follows :-

(i) Central Civil Posts, Group 'A';

(ii) Central Civil Posts, Group 'B';

(iii) Central Civil Posts, Group 'C';

(iii) Central Civil Posts, Group 'D'"

45. The DoP&T, by its Office Memorandum dated 14.12.2010, issued guidelines on the cadre review of Central Group 'A' Services and also provided a list of existing Central Group 'A' Services in Annexure-I thereto. The said list includes the RPF at serial no. 15 under the category of Non-Technical Services. Therefore, the RPF is considered a Group 'A' Central Civil Service. The same has also been held by the Supreme Court in Harinanda (supra) and by this Court in G.J. Singh (supra). The submission of the learned ASG that these judgments are confined only to conferment of NFG benefits, does not impress us, as such grant was dependent on the RPF first being acknowledged as a Group 'A' Central Civil Service.

46. Once it is held that RPF is a Central Civil Service, consequently, Section 14(1) (a) of the Act would be applicable to disputes relating to recruitment and matters concerning such recruitment.

47. Therefore, even though a reading of the provisions of Section 14(1) of the Act read with Section 2(a) of the Act shows that disputes regarding all service matters relating to, inter alia, members of the Armed Forces of the Union, are excluded from the jurisdiction of the learned Tribunal, the same cannot be said in respect of disputes relating to recruitment or matters concerning recruitment to the RPF. This is so even though the RPF is an Armed Force of the Union, as, until such time as the person raising such a dispute becomes a 'member' of the RPF, the learned Tribunal would continue to exercise jurisdiction; RPF being a Civil

Service of the Union.

48. Applying the cardinal principles of statutory interpretation, namely that statutory provisions must be read in their natural and grammatical sense and in harmony with one another, we are of the considered opinion that any dispute relating to recruitment to the RPF, raised by a person who is not already a member of the Armed Force or covered by the exclusionary clause in Section 2 of the Act, would fall within the jurisdiction of the learned Tribunal. However, any dispute relating to a service matter of a member of the RPF would stand excluded from the jurisdiction of the learned Tribunal by virtue of Section 2(a) of the Act.

49. In Mohammed Ansari (*supra*), the Supreme Court was considering a case where the appellant was a member of the General Reserve Engineer Force (GREF) of the Border Roads Organisation. The Court held that as the GREF is an integral part of the Armed Forces, by virtue of Section 2(a) of the Act, the learned Tribunal does not have the jurisdiction to entertain a dispute relating to the service matter of a member of such Armed Force.

50. In Dr. Banipada Saha (*supra*), the Calcutta High Court was considering the case of a person who was already working with the RPF on deputation. The Court, therefore, held that such a person was deemed to be a member of the Force, thereby excluding the jurisdiction of the learned Tribunal.

51. In Tej Singh (*supra*), although the Himachal Pradesh High Court rejected the preliminary objection raised by the SSB that jurisdiction even in the matter of recruitment vests with the learned Tribunal, we find that there was no discussion on the said issue. In fact, the Court observed that the said objection has been raised merely to be rejected outrightly. With due respect, we do not agree with the aforesaid judgment of the Himachal Pradesh High Court.

52. In view of the foregoing discussion, we hold that the learned Tribunal has rightly concluded that it has jurisdiction to entertain a dispute relating to the recruitment process to an Armed Force, provided such dispute is not raised by a person who is already a member of the Armed Forces. We answer the question of jurisdiction of the learned Tribunal accordingly.

53. As regards the issue of whether such jurisdiction has been rightly exercised by the learned Tribunal in its Impugned Order dated 11.11.2022, we direct that, subject to orders of Hon'ble the Chief Justice, the Writ Petition be listed before the appropriate Roster Bench on 29th January, 2026.