

Seepa

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

Miscellaneous Application No.551 of 2017
and

Original Application No. 682 of 2017

Date of order : 21-08-2017



Between :

1. Vuke Prashanth S/o Late Swamy,
Aged about 23 years, Occ : Unemployee,
R/o H.No.13-27, Vepalagadda, Munkundapuram,
Yellandu, Khammam District.
2. Payam Subbarao S/o Chandraiah,
Aged about 27 years, Occ : Unemployee,
R/o H.No.9-24, Chimalagudem, Gundala Mandal,
Khammam District.
3. Kalthi Yerraiah S/o Papaiah,
Aged about 27 years, Occ : Unemployee,
R/o H.No.2-445, Chimalagudem, Gundala
Mandal, Khammam District.

....Applicants

AND

1. The Union of India,
Rep by its Secretary,
Ministry of Home Affairs,
New Delhi.
2. The Staff Selection Committee,
Rep by its Chairman,
Recruitment Board, New Delhi.

...Respondents

Counsel for the Applicant : Mr. N.Ramesh

Counsel for the Respondents : Mr.V.Vinod Kumar, Sr.CGSC for R-1
Mrs.K.Rajitha, Sr.CGSC for R-2

CORAM :

THE HON'BLE MRS. MINNIE MATHEW : MEMBER (A)

(Oral order per Hon'ble Mrs.Minnie Mathew, Member (A))



(Oral order per Hon'ble Mrs.Minnie Mathew, Member (A))

Heard Ms. Kavitha, learned counsel for the applicant, Mr.V. Vinod Kumar, learned Senior Central Government Standing Counsel for Respondent No.1 and Mrs.K.Rajitha, learned Senior Central Government Standing Counsel for Respondent No.2.

2. MA No.551 of 2017 for joining together is allowed.
3. Mr.V.Vinod Kumar, learned Senior Central Government Standing Counsel takes notice for Respondent No.1 and Mrs. K. Rajitha, learned Senior Central Government Standing Counsel takes notice for Respondent No.2.
4. This Original Application is filed seeking the following relief :-

"It is therefore prayed that this Hon'ble Tribunal may be pleased to declare the action of the 1st respondent in not considering the claim of the applicants for the post of Police Constable though they secured 43 and 41 marks and stood in the merit and the persons who secured same marks were considered for selection and appointment and number of vacancies were kept unfilled is illegal, arbitrary and unconstitutional with a consequential direction to the respondents to consider the claim of the applicants for appointment to the post of Police Constables as per their merit on par with others in the existing vacancies with all consequential benefits and pass such other order or orders as deemed fit and proper in the circumstances of the case."
5. Mrs.K.Rajitha, learned Senior Central Government Standing Counsel for Respondent No.2 took a preliminary objection that this Original Application is not within the jurisdiction of this Tribunal in terms of Section 2(a) of Administrative



Tribunal's Act, 1985, which states that, 'the provisions of this Act shall not apply to member of the naval, military or air forces or of any other Armed Forces of the Union'. In this regard she also submitted copies of orders passed in OA No.1382 of 2011, decided on 15.10.2012 and by the Principal Bench in OA No.4407 of 2010, decided on 02.12.2011.

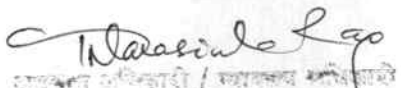
6. From the material on record, it is seen that the Annexure A-1 notification is for recruitment to the post of Constables (GD) in BSF, CRPF, CISF, ITBP, SSB, NIA & SSF and Rifleman in Assam Rifles and that the posts aspired for are in Para Military Forces and Central Police Organisation. In view of the ratio already laid down, it is held that this OA is not maintainable on the ground of jurisdiction.

7. Accordingly the Original Application is dismissed for want of jurisdiction granting liberty however to the applicants to approach the appropriate forum.

8. No order as to costs.

प्रमाणित प्रत
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केस नंबर
CASE NUMBER... MA-551/17 In. OA 682/17
निर्णय का तारीख
DATE OF JUDGEMENT... 21/8/17
कॉपी तैयार किया गया दिनांक
COPY MADE READY ON... 22/8/17


Section Officer / Court Officer
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद न्यायपीठ/Hyderabad Bench

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