

Supreme Court of India

Beda Nand Singh And Ors. vs Director General, Central ... on 20 July, 1987

Equivalent citations: 1987 (0) BLJR 836, JT 1987 (3) SC 137, (1988) ILLJ 242 SC, 1980 Supp (1) SCC 790

Author: A Sen

Bench: A Sen, B Ray

ORDER A.P. Sen, J.

1. Special leave granted. Arguments heard.

2. We had by order dated October 1, 1986 issued notice in SLP No. 5880/86 and permitted the appellants 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 under Section 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.