

O.A. No. 232/2010

05.05.2010

Present: Sh.Rajesh Kumar, Advocate, counsel for the applicant.

Sh.Ankur Chibber, Advocate, counsel for the respondents.

1. Heard learned counsel for parties.
2. Applicant is a son of Ex. T. No.3809 Narender Singh who was a fitter in the Army. He was not recruited by the Indian Army and he was only a civilian. He died prematurely in service of Army. Therefore, his son moved this original application for compassionate appointment.
3. The objection raised from the other side is that since applicant's father was a civilian and this Tribunal has no jurisdiction to decide the matter because Late Sh.Narender Singh was not governed by the Army Act or Rules made therein. Therefore, this Tribunal has no jurisdiction to adjudicate in the present matter.



9

O.A. No. 232/2010

///2///

4. In this connection, learned counsel for respondents invited our attention to decision of Hon'ble Supreme Court in Ous Kutilingal Achudan Nair & Other vs. Union of India & others cited as 1976(2) SCC page 780 wherein the Lordship have dealt the matter with reference to Article 33 of the Constitution and held that civilians are not governed by the Army Act or Rules. Hence, this Tribunal has no jurisdiction to entertain the present matter. Same is dismissed with no order as to cost, however, it will be open for the applicant to approach the appropriate Forum for redressal of his grievances.

**A.K. MATHUR**  
(Chairperson)

**M.L. NAIDU**  
(Member)

**New Delhi**  
**May 05, 2010**