

**IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH,  
NEW DELHI**

O.A. No. 304/2010

Satinder Kumar & Ors.

.....Applicants

Versus

Union of India & Others

.....Respondents

**With**

O.A. No. 302/2010

Isher Singh & Ors.

.....Applicants

Versus

Union of India & Others

.....Respondents

For applicants : Prof. Bhim Singh, Advocate.

**CORAM:**

**HON'BLE MR. JUSTICE A.K. MATHUR, CHAIRPERSON.  
HON'BLE LT. GEN. M.L. NAIDU, MEMBER.**

**ORDER**  
11.05.2010

1. Heard learned counsel for applicant.
  
2. In both these original applications, this Tribunal has no

Cont...2

jurisdiction to decide the case because of the definition of 'service matters' as defined under section 3(o) of the Armed Forces Tribunal Act, 2007 which reads as under:-

(o) "service matters", in relation to the persons subject to the Army Act, 1950(46 of 1950), the Navy Act, 1957 (62 of 1957) and the Air Force Act, 1950 (45 of 1950), mean all matters relating to the conditions of their service and shall include-

- (i) remuneration (including allowances), pension and other retirement benefits;
- (ii) tenure, including commission, appointment, enrolment, probation, confirmation, seniority, training, promotion, reversion, premature retirement, superannuation, termination of service and penal deductions;
- (iii) summary disposal and trials where the punishment of dismissal is awarded;
- (iv) any other matter, whatsoever,

but shall not include matters relating to-

- (i) Orders issued under section 18 of the Army Act, 1950 (46 of 1950), sub-section (1) of section 15 of the Navy Act, 1957 (62 of 1957) and section 18 of the Air Force, 1950 (45 of 1950); and
- (ii) Transfers and posting including the change of place or unit on posting whether individually or as a part of unit, formation or ship in relation to the persons subject to the Army Act, 1950(46 of 1950), the Navy Act, 1957 (62 of 1957) and the Air Force Act, 1950 (45 of 1950).
- (iii) Leave of any kind;
- (iv) Summary Court Martial except where the punishment is of dismissal or imprisonment for more than three months;

3. As per definition under section 3(o), this Tribunal has only jurisdiction to decide the cases which arises under the Army Act,

//3//

1950, the Navy Act, 1957 and the Air Force Act, 1950. Both these cases are with regard to regularisation of porters at par with the members of Armed Forces. The 'porters' are not governed by any of these three Acts, therefore, this Tribunal has no jurisdiction to decide both these cases.

4. Consequently, we do find not any merit in the both the cases. Same are dismissed with no order as to costs.

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

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

**New Delhi**  
**May 11, 2010**