

**CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH
61/35, COPERNICUS MARG, NEW DELHI-110001**

Order Sheet

Item no.: 26
O.A./1907/2026 (DELHI)
[TRANSFER]
Court No.: 1

No of Adjournment: 6

Order Dated: 03/07/2026

**CP MEENA
Vs
M/O DEFENCE**

For Applicant(s) Advocate : Mr. Prakhar Bhatnagar and Mr. Sahitya Sharma

For Respondent(s) Advocate : Mr. Gyanendra Singh and Ms. Ring Baliyan

Order of The Tribunal

1. The issue to be adjudicated in this O.A. is regarding the transfer orders issued by the respondents dated 23.02.2026 (Impugned Order), according to which the applicant herein is being transferred from ICGS Minicoy To CGRHQ (North East), Kolkata. When the matter was heard on admission on 15.05.2026, the learned counsel for the respondents has stated that this Tribunal has no jurisdiction over the matter as the applicant who is currently working as a civilian staff officer in the Indian Coast Guard which is a central armed force under the Ministry of Defence and the said Coast Guard is not notified under section 2 of the Administrative Tribunals Act,

1985. The applicant contends that this O.A. will become infructuous if the grievance of the applicant is not resolved one way or the other before 10.07.2026 by which time he is likely to be relieved to join the new place of posting at Kolkata. However, the issue of jurisdiction has been taken up by the respondents who are proposing to address this initially and thereafter, for adjudicating the main issue of transfer from Minicoy to Kolkata as early as possible.

2. Learned counsel for the applicant has submitted a compendium of judgments dated 25.05.2026 wherein the following judgments have been incorporated:-

- i. Judgment of the Tribunal at Ernakulam Bench in O.A. No. 349/2025 dated 14.10.2025 titled ***Mohammad Safuvan Versus The Commandant, Indian Coast Guard Station and Ors.***
- ii. Judgment of the Principal Bench of this Tribunal in O.A. No. 113/2024 dated 03.02.2024 titled ***Nishant Versus Union of India and Ors.***
- iii. Order dated 20.07.2023 passed by the Central Information Commission in the file titled ***Sandeep Versus Central Public Information Officer.***

3. Learned counsel for the applicant states that he has submitted these judgments only to show that the recruitment agency in the first case where the applicant aspired for the post of an Enrolled Follower (Safaiwala) and in the second case of Nishant where the applicant was a recruitee for a uniformed post, the recruitment agency, in these cases is the Armed Force. However, in the present case, the applicant has been initially recruited as an Assistant by the Staff Selection Commission (SSC). He also drew the attention of the Bench to Section 14 of the Administrative Tribunal Act, 1985, which reads as under:-

*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 2***) 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 3[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 3[or society] or other body, at the disposal of the Central Government for such appointment.

4[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 3[or societies] owned or controlled by Government, not being a local or othe authority or corporation 3[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 1[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 1[or society], all the jurisdiction, powers and authority exercisable immediately before that date by all courts (except the Supreme Court 2***) 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 1[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 1[or society] and pertaining to the service of such person in connection with such affairs.(Emphasis is mine)"*

4. Learned counsel for the applicant also drew the attention of the Bench to paras 34 and 35 of the ***AK Singh Versus Armed Forces Tribunal and another Judgment of the Hon'ble High Court of Delhi dated 25.05.2021 in W.P.(C) No. 5245/2020*** which reads as under:-

"34. Classification of Civil Posts is only to be found under Rule 6 of the CCS (CCA) Rules, 1965. Rule 6 is as follows:-

"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';*
- (iv) Central Civil Posts, Group 'D'.*

35. Rule 7 of the said Rules defines "General Central Service", and is as follows:-

“7. General Central Service

Central Civil posts of any group not included in any other Central Civil Service shall be deemed to be included in the General Central Service of the corresponding group and a Government servant appointed to any such post shall be deemed to be a member of that Service unless he is already a member of any other Central Civil Service of the same group.”

5. Having shown these two paragraphs, the learned counsel for the applicant also drew the attention of the Bench to the recruitment rules of the post held by the applicant to show that his initial appointment as Assistant was under the category of General Central Civil Services (Relevant portion quoted below) and in view of the same, the submits that the Central Administrative Tribunal is the appropriate forum for adjudicating the grievance of the applicant . He also relies on the order issued by the Central Information Commission wherein the following has been held:-

(1)	(2)	(3)
Assistant	89 (2013) (Subject to variation dependent on workload)	General Central Service Group B Non Gazetted Ministerial

" The appellatant submitted in his second appeal that as per the Coast Guard Act, 1978, Coast Guard is an armed force of the Union administered by the MoD but Coast Guard personally cannot approach AFT for resolving service related issues and grievances, only Army, Navy, and Air Force personnel can do so. The CPIO stated that the civilian persons of Coast Guard are governed by CCS (CCA) Rules and they come under the jurisdiction of CAT. He also submitted that all the three points were suitably replied to vide letter dated 12.09.2019."

6. Learned counsel for the respondents is vehemently opposing the contentions of the learned counsel for the applicant and by referring to the compendium of judgments submitted by the applicant as well as the judgment of the Hon'ble High Court of Delhi in the matter of AK Singh case, he submits that the case of AK Singh is not applicable in the present case because the applicant in that case had not been appointed after his first initial in the Indian Army and he has been reemployed/re-appointed in the civilian post in the Armed Forces Tribunal. Whereas in the present case the applicant has been recruited for a post in the Indian Coast Guard and also his salary is being paid from the Coast Guard's budget. Learned counsel for the respondents states that the judgment of the coordinate bench of this Tribunal at Ernakulam has taken into consideration the fact that the source of fund from which the salary are paid to the Dhobies is

from the National Defence Academy/Army Fund and therefore, it was held by the Hon'ble Supreme Court that they do not fall within civil posts and a similar situation exists in the present case wherein the salary of the applicant is being paid from the Indian Coast Guard's budget.

7. Learned counsel for the respondents has also relied upon a judgment of a coordinate Bench of this Tribunal to contend that the Tribunal lacks jurisdiction in deciding this case. He submits that the averment made by the learned counsel for the applicant that the applicant has been recruited by the SSC and therefore, he should be treated as a holder of a civilian post is untenable because the Union Public Service Commission also conducts entrance examinations to the National Defence Academy (NDA) and Combined Defence Services (CDS) and only on that ground the cadets working in these two institutions cannot be treated as holding a civilian post. Learned counsel for the respondents refers to Rule 8 of the Coast Guard General Rules, 1986, and states that the post being held by the applicant is covered under this Rule and therefore, he is a holder of a non-civilian post.

8. In a nutshell, he submits that inasmuch as the Coast Guards is not notified in the provisions of the Administrative Tribunals Act, 1985, this

Tribunal has no jurisdiction to adjudicate this matter.

9. I have heard the learned counsels for the parties and with their assistance I have also gone through the compendium of judgments submitted by the learned counsel for the applicant.

10. I find that the contentions of the respondents is untenable because in the judgments being relied upon by the learned counsel for the respondents, which have been submitted by the learned counsel for the applicant, namely, *Mohammad Safuvan*, the holder of that post was one Enrolled Follower (Safaiwala) whereas the applicant here was initially recruited as an Assistant and in the case of **Nishant (supra)**, the Coordinate Bench of this Tribunal had held that the post for which he had applied belongs to the Armed Forces of the Union and is a uniformed post and the recruiting agency for the same is the Ministry of Defence, Government of India. However, in the facts of the present case the applicant is not holding a uniformed post and he has not being recruited by the Indian Coast Guard but by the Staff Selection Commission. It is a different matter that he has been posted to work with the Indian Coast Guard after his initial recruitment.

11. Under these circumstances, especially as Section 14(a) while enumerating the categories of posts which could be considered as a civilian post, it is seen that the post of Assistant to which the applicant was initially recruited is clearly a civilian post and as noted in paragraphs 34 and 35 of the **AK Singh (supra)** case and clearly it is a general services post and therefore, a civilian post. The rules of the CIC produced above (para 5) also goes to show that this is a civilian post and in such cases, the jurisdiction clearly lies with the Tribunal.

12. Having clearly stated that this Tribunal has got the jurisdiction to adjudicate this matter and there is an urgency too, the Registry is directed to list the matter for final hearing on 10.07.2026.

B Anand
Member (A)

Deeksha Dhingra
(steno 'c')