

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9298 of 2024

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Mala Devi Wife of Late Brij Kishor Singh, Resident of Mohalla- Azad Nagar,
Road No.- 2, Besides Shakti Upasana Kendra, P.O.- Lohiya Nagar, P.S.-
Kankarbagh, District- Patna.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary Ministry of Railways, Government of India, New Delhi.
2. The Director General, Railway Protection Force, Rail Bhawan, Railway Board, New Delhi.
3. The Chief Security Commissioner, Railway Protection Force, Eastern Railway, Kolkata.
4. The Chief Security Commissioner, Railway Protection Force, East Central Railway, Hazipur.
5. The Senior Divisional Security Commissioner, Railway Protection Force, East Central Railway, Mughalsarai (Pandit Din Dayal Upadhyay Nagar), Uttar Pradesh.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Md. Jubair Ansari, Advocate
For the Respondents/UOI	:	Mr. Alok Kumar Agrawal, Sr. CGSC
		Mr. Rahul Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 11-02-2026

Heard learned counsel for the petitioner and learned
Senior counsel for the Union of India.

2. Learned counsel for the petitioner submits that the husband of the petitioner has earlier moved before this Hon'ble Court in C.W.J.C. No. 20642 of 2010 which was allowed in favour of the petitioner's husband *vide* order dated 11.05.2011. Subsequently, the petitioner's husband died on 24.03.2016. In this regard, the arrears arising out of his service



was directed to be paid to the petitioner. The petitioner submitted representation for grant of promotional benefits, payment of arrears of salary and all other benefits. In this regard, the petitioner has filed writ application bearing C.W.J.C. No. 7845 of 2023 and the same was disposed off as not pressed *vide* order dated 05.12.2023 with liberty to the petitioner to approach the respondents authorities for redressal of her grievances. Counsel further submits that in this regard, the petitioner filed her representation before the authority concerned on 26.12.2023 (annexed as Annexure-P/6), but till date, the respondent authority has not taken any decision on her representation. Thereafter, the petitioner has filed the present writ petition for grant of relief i.e. promotional benefits, payment of arrears of salary and all other benefits for which she has filed her representation, as the prayer added in the present writ petition.

3. Learned Senior counsel for Union of India, on the other hand, submits that admittedly, the petitioner is wife of deceased employee who was working in the Railway Protection Force posted in the department of Railway. Counsel relied on the recent judgment dated 16.01.2026 passed by the Hon'ble High Court of Delhi in case of *Union of India Vs. Kapil Gurjar*



in W.P.(C) 1102/2023 & CM APPL. 4349/2023, CM APPL. 10769/2023, CM APPL. 10865/2025, CM APPL. 23257/2025.

Counsel submits that the present writ petition based on the grievances under the Railway Protection Force Act, 1957 (Act No. 23 of 1957), wherein, the petitioner claims relief on the ground that her husband was an employee of the RPF, is not maintainable before this Hon'ble Court and is maintainable only before the respective Bench of the Central Administrative Tribunal.

4. In the light of the submissions made by the parties and upon perusal of the said judgment rendered by the Hon'ble High Court of Delhi in case of ***Union of India Vs. Kapil Gurjar (supra)***, it is necessary to quote the relevant paras of analysis and findings which states as follows:-

“25. We have considered the submissions advanced by the learned counsels appearing for the parties.

26. As noted hereinabove, we are confining the present judgment solely to the issue of jurisdiction of the learned Tribunal to entertain an application concerning matters relating to the recruitment to the RPF.

27. In order to answer the aforesaid issue, it would be apposite to first refer to certain relevant Articles of the Constitution of India



and the provisions of the Administrative Tribunals Act, 1985 and the Railway Protection Force Act, 1957.

28. Article 323A of the Constitution of India empowers Parliament to, by law, establish Administrative Tribunals for the adjudication of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union, 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 owned or controlled by the Government. The said Article is reproduced hereinbelow:

"323A. Administrative tribunals.

(1) Parliament may, by law, provide for the adjudication or trial by administrative tribunals of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts 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 owned or controlled by



the Government.

(2) A law made under clause (1) may-
(a) provide for the establishment of
an administrative tribunal for the
Union and a separate administrative
tribunal for each State or for two or
more States:

(b) specify the jurisdiction, powers
(including the power to punish for
contempt) and authority which may
be exercised by each of the said
tribunals;

(c) provide for the procedure
(including provisions as to limitation
and rules of evidence) to be followed
by the said tribunals;

(d) exclude the jurisdiction of all
courts, except the jurisdiction of the
Supreme Court under article 136,
with respect to the disputes or
complaints referred to in clause (1):

(e) provide for the transfer to each
such administrative tribunal of any
cases pending before any court other
authority immediately before the
establishment of such tribunal as
would have been within the
jurisdiction of such tribunal if the
causes of action on which such suits
or proceedings are based had arisen



after such establishment;

(f) repeal or amend any order made by the President under clause (3) of article 371D;

(g) contain such supplemental, incidental and consequential provisions (including provisions as to fees) as Parliament may deem necessary for the effective functioning of, and for the speedy disposal of cases by, and the enforcement of the orders of, such tribunals.

(3) The provisions of this article shall have effect notwithstanding anything in any other provision of this Constitution or in any other law for the time being in force.

29. In exercise of the power vested in it under the aforesaid Article, the Parliament enacted the Administrative Tribunals Act, 1985, with the following preamble:

"An Act to provide for the adjudication or trial by Administrative Tribunals of disputes and complaints with respect to recruitment and conditions of service of persons appointed to public services and posts 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 1 [any corporation or society owned or controlled by the Government in pursuance of article 323A of the Constitution) and for matters connected therewith or incidental thereto."

30. Section 2 of the Act provides that the provisions of the Act shall not apply to certain categories of persons, including 'any member' of the Naval, Military, or Air Forces, or of 'any other Armed Forces of the Union'. We quote the provision as under:

"2. Act not to apply to certain persons.-The provisions of this Act shall not apply to-(a) any member of the naval, military or air forces or of any other armed forces of the Union;

31. To determine the aforesaid exclusion of the provisions of the Act, it is necessary to examine, inter alia, who falls under the category of a 'member' of the 'Armed Forces of the Union'.

32. Section 3 of the RPF Act provides that there shall be constituted and maintained an 'Armed Force of the Union' to be called the Railway Protection Force. Therefore,



the RPF is an Armed Force of the Union, and there is no dispute in this regard.

33. Section 2(1)(c) of the RPF Act defines the expression 'member of the Force' as a person appointed to the Force under the said Act. The provision reads as follows:-

"2(1)(c) 'member of the Force' means a person appointed to the Force under this Act."

34. Therefore, under the Act, in order to be a 'member of the Force', a person must be appointed to the Force, that is, only upon appointment, a person becomes a 'member of the Force'.

38. The issue before this Court is whether a person can be excluded from the application of the provisions of the Act even before becoming a member of the Force, that is, even prior to appointment.

39. Section 14 of the Act vests jurisdiction in the learned Tribunal. It reads as follows:

"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) 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 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 or society or other body, at the disposal of the Central Government for such appointment.

Explanation.- For the removal of doubts, it is hereby declared that references to "Union" in this subsection 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 subsection (3) to local or other authorities within the territory of India or under the control of the Government of India and to corporations or societies owned or controlled by Government, not being



a local or other authority or corporation 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 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 or society, all the jurisdiction, powers and authority exercisable immediately before that date by all courts (except the Supreme Court) 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 or society;



and

(b) all service matters concerning a person other than a person referred to in clause (a) or clause (b) of subsection (1) appointed to any service or post in connection with the affairs of such local or other authority or corporation or society and pertaining to the service of such person in connection with such affairs.”

40. Section 14(1)(a) vests jurisdiction in the learned Tribunal in relation to recruitment matters concerning recruitment to any All-India Service, any Civil Service of the Union, or any civil post under the Union, or a post connected with defence or the defence services, provided that, in either case, the post is filled by a civilian. Section 14(1)(b) of the Act vests jurisdiction in the learned Tribunal in relation to all 'service matters' concerning a 'member' of an All India Service or a 'person appointed' to any Civil Service of the Union or any civil post under the Union, or a 'civilian appointed to any defence service 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 a 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 or society owned or controlled by the Government. Section 14(1)(c) of the Act vests jurisdiction in the learned Tribunal in relation to 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-clauses (ii) or (iii) of clause (b) of Section 14 of the Act, being a person whose services have been placed by a State Government, or by any local or other authority, or by any corporation, society, or other body, at the disposal of the Central Government for such appointment.

41. The term 'Service Matters' is defined in Section 2(q) of the Act as under:-

(q) "service matters", in relation to a person, means all matters relating to the conditions of his service 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, as the case may be, of any corporation 5 [or society) owned or controlled by the Government, as respects-

(i) remuneration (including allowances). pension and other



retirement benefits;

(ii) tenure including confirmation, seniority, promotion, reversion, premature retirement and superannuation;

(iii) leave of any kind;

(iv) disciplinary matters; or

(v) any other matter whatsoever"

42. A conjoint reading of the provisions of Section 14(1) of the Act shows that disputes relating to any service matters of, inter alia, members of the Armed Forces of the Union, are expressly excluded from the jurisdiction of the learned Tribunal. Therefore, the learned Tribunal has no jurisdiction with respect to dispute relating to seniority, pay fixation, leave, disciplinary proceedings, etc., relating to a member of an Armed Force. However, as Section 2(a) excludes the applicability of the Act to a 'member' of the Armed Force, that is after the appointment of the person to the Armed Force, we now need to determine whether the dispute relating to recruitment to the Armed Force, including the RPF, would also get excluded from the Act.

43. To answer the above, we shall have to determine whether the RPF is a 'Civil Service of the Union'.

44. Rule 4 of the CCS (CCA) Rules provides



for the classification of services, while Rule 5 of the CCS (CCA) states that the Central Civil Services in various groups shall consist of services and grades of services specified in the Schedule thereto. Rule 6 of the CCS (CCA) provides for the classification of posts under the Union, other than those ordinarily held by persons to whom the Rules do not apply. We quote the said Rules as under:

"4. Classification of Services

(1) The Civil Services of the Union shall be classified as follows: (i) Central Civil Services, Group 'A'; (ii) Central Civil Services, Group 'B'; (iii) Central Civil Services, Group 'C' (iv) Central Civil Services, Group 'D' (2) If a Service consists of more than one grade, different grades of such Service may be included in different groups.

5. Constitution of Central Civil Services

The Central Civil Services, Group 'A', Group 'B', Group 'C' and Group 'D', shall consist of the Services and grades of Services specified in the Schedule.

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

*45. The DoP&T, by its Office Memorandum dated 14.12.2010, issued guidelines on the cadre review of Central Group 'A' Services and also provided a list of existing Central Group 'A' Services in Annexure-I thereto. The said list includes the RPF at serial no. 15 under the category of Non-Technical Services. Therefore, the RPF is considered a Group 'A' Central Civil Service. The same has also been held by the Supreme Court in **Harinanda** (supra) and by this Court in **G.J. Singh** (supra). The submission of the learned ASG that these judgments are confined only to conferment of NFG benefits, does not impress us, as such grant was dependent on the RPF first being acknowledged as a Group 'A' Central Civil Service.*

46. Once it is held that RPF is a Central Civil Service, consequently, Section 14(1) (a) of the Act would be applicable to



disputes relating to recruitment and matters concerning such recruitment.

47. Therefore, even though a reading of the provisions of Section 14(1) of the Act read with Section 2(a) of the Act shows that disputes regarding all service matters relating to, inter alia, members of the Armed Forces of the Union, are excluded from the jurisdiction of the learned Tribunal, the same cannot be said in respect of disputes relating to recruitment or matters concerning recruitment to the RPF. This is so even though the RPF is an Armed Force of the Union, as, until such time as the person raising such a dispute becomes a 'member' of the RPF, the learned Tribunal would continue to exercise jurisdiction; RPF being a Civil Service of the Union.

48. Applying the cardinal principles of statutory interpretation, namely that statutory provisions must be read in their natural and grammatical sense and in harmony with one another, we are of the considered opinion that any dispute relating to recruitment to the RPF, raised by a person who is not already a member of the Armed Force or covered by the exclusionary clause in Section 2 of the Act, would fall within the jurisdiction of the learned Tribunal. However, any dispute



relating to a service matter of a member of the RPF would stand excluded from the jurisdiction of the learned Tribunal by virtue of Section 2(a) of the Act.

49. In **Mohammed Ansari** (supra), the Supreme Court was considering a case where the appellant was a member of the General Reserve Engineer Force (GREF) of the Border Roads Organisation. The Court held that as the GREF is an integral part of the Armed Forces, by virtue of Section 2(a) of the Act, the learned Tribunal does not have the jurisdiction to entertain a dispute relating to the service matter of a member of such Armed Force.

50. In **Dr. Banipada Saha** (supra), the Calcutta High Court was considering the case of a person who was already working with the RPF on deputation. The Court, therefore, held that such a person was deemed to be a member of the Force, thereby excluding the jurisdiction of the learned Tribunal.

51. In **Tej Singh** (supra), although the Himachal Pradesh High Court rejected the preliminary objection raised by the SSB that jurisdiction even in the matter of recruitment vests with the learned Tribunal, we find that there was no discussion on the said issue. In fact, the Court observed that



the said objection has been raised merely to be rejected outrightly. With due respect, we do not agree with the aforesaid judgment of the Himachal Pradesh High Court.

52. In view of the foregoing discussion, we hold that the learned Tribunal has rightly concluded that it has jurisdiction to entertain a dispute relating to the recruitment process to an Armed Force provided such dispute is not raised by a person who is already a member of the Armed Forces. We answer the question of jurisdiction of the learned Tribunal accordingly.

53. As regards the issue of whether such jurisdiction has been rightly exercised by the learned Tribunal in its Impugned Order dated 11.11.2022, we direct that, subject to orders of Hon'ble the Chief Justice, the Writ Petition be listed before the appropriate Roster Bench on 29th January, 2026."

5. Upon perusal of the analysis and findings of the Hon'ble High Court of Delhi in the aforesaid judgment particularly the specific provisions of Railway Protection Force Act, 1957 and the relevant provisions of the Administrative Tribunal Act, 1985 (Act No. 13 of 1985) as well as the reliefs for which the petitioner is claiming i.e. demand of grant of



promotional benefits, payment of arrears of salary and all other benefits from the railway by virtue of the service of her husband in the RPF, this Court is of the firm view that the remedy available to the petitioner lies only before the Central Administrative Tribunal.

6. In this view of the matter, the present writ application is hereby disposed off, directing the petitioner to avail the remedy before the respective Bench of the Central Administrative Tribunal, having jurisdiction to hear the same.

(Dr. Anshuman, J)

Divyansh/-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	13/02/2026
Transmission Date	NA

