

Court No. - 34

Case :- WRIT - A No. - 18331 of 2023

Petitioner :- Ravindra Nath Pandey

Respondent :- Union Of India And 2 Others

Counsel for Petitioner :- Balram Jee Verma, B.S. Pandey

Counsel for Respondent :- A.S.G.I.

Hon'ble Ajit Kumar, J.

1. Heard learned counsel for petitioner and Sri K.J. Shukla, learned Advocate holding brief of Sri N.K. Chaterji, learned counsel for the respondents.

2. A preliminary objection has been raised by the counsel for the respondent regarding maintainability of the writ petition as the petitioner being an ex-army personnel, the relief claimed is cognizable by Armed Forces Tribunal constituted under the Armed Forces Tribunal Act, 2007.

3. Meeting the preliminary objection, learned counsel appearing for the petitioner submits that earlier a writ petition being Writ-A No.5566 of 1993 was sent to the Armed Forces Tribunal for adjudication but the Armed Forces Tribunal transmitted the record back to the High Court for want of jurisdiction and it is in this circumstance that the Writ Petition (A) No.5566 of 1993 came to be disposed of finally on 23.05.2023. He does not dispute that the benefits as were directed to be conferred upon vide order dated 23.05.2023 have been conferred upon him and now there is no grievance as to the controversy involved in Writ-A No.5566 of 1993. He submits that now the petitioner claims further promotional pay scale.

4. In the considered view of the Court, since the controversy is not arising out of judgment of this Court passed by this Court in Writ-A No.5566 of 1993 and a fresh cause of action is there for getting promotional pay scale, the preliminary objection is liable to be upheld. The petitioner is, therefore, remitted to avail the remedy available to him before the Armed Forces Tribunal.

5. Subject to the aforesaid liberty, petition is consigned to records.

Order Date :- 1.11.2023

P Kesari