

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3906 of 2010

=====

Mahesh Ji Pandey, S/O Sri Krishna Pandey, R/O Vill.- Sanjoyal, P.O. Sinha, P.S. Krishnagarh, Distt.- Bhojpur

.... Petitioner/s

Versus

1. The Union of India through the Ministry of Defence New Delhi
2. Chief of Army Staff Army Headquarter, New Delhi
3. Officer Incharge Artillery Records, Nasik Road Camp, Nasik
4. Officer Commanding, 2551/255 Field Regiment C/O 56, A.P.O.
5. Assistant Record Officer Artillery Record, Nasik Road Camp, Nasik
6. Lt. Col., Senior Record Officer For OIC Records Topkhana Abhilekh, Artillery Records, Nasik Road Camp, Nasik
7. Captain, Record Officers for OIC Record Topkhana Abhilekh Artillery Records, Nasik Road Camp, Nasik
8. Major Battery Commander 2551/255 Field Regiment, C/O 56, A.P.O.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Thakur, Advocate.
Mr. Nilesh Kumar, Advocate.

For the Respondent/s : Mr. Rakesh Kumar Sinha, J.C. to C.G.C.

=====

CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

3 11-05-2015

Heard learned counsel for the parties.

2. Admittedly, the matter relates to service dispute pertaining to Armed Forces services. The legislature has already provided for resolution of such dispute to specially constituted tribunal, namely, Armed Forces Tribunal.

3. That being so, this writ application is permitted to be withdrawn with liberty to the petitioner to move the appropriate Tribunal and if it is done so, the Tribunal must keep in mind that this writ application, though filed on 04.03.2010 and awaiting of filing of the counter affidavit under the order dated 19.03.2010,

was taken up only today when this Court has a bar of jurisdiction.

4. That being so, if the petitioner moves before the Tribunal within a period of 60 days from today, the Tribunal must decide the case of the petitioner on merits without non-suiting the petitioner on the ground of delay, if any.

(Mihir Kumar Jha, J)

Sujit/-

U			
---	--	--	--