

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8416 of 2015

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Bipin Kumar son of Jagdish Yadav, resident of Village Pattam, P.O. Pattam,
via Jamalpur, district Munger, Bihar.

.... Petitioner/s

Versus

- 1.The Union of India through Ministry of Defense, New Delhi.
- 2.The Brigadier, 71, Arty BRD (Brigade) (Brigade Commander),
Mishamari, Assam.
- 3.Dir:71 Infantry Dir (Major General) (Dir. Commander), Mishamari,
Assam.
- 4.Core: 4 Core (Lieutenant General) (Core Commander), Tejpur, Assam.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kunal Tiwary, Adv

For the Respondent/s : Mr. Kumar Priya Ranjan, C.G.C with Miss.
Gunja.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 23-06-2015 Heard learned counsel for the parties.

Having regard to the fact that the petitioner seeks relief of promotion in Indian Army, this writ application is wholly misconceived because the petitioner has statutory alternative remedy before the competent Armed Forces Tribunal in view of the Division Bench judgment of this Court in the case of **Union of India vs Colonel, Sarat Chandra Mishra**, reported in **2012 (2) PLJR 101**, holding that such matter arising out of Armed Force Service initially will have to be filed/assailed before the Armed Forces Tribunal.

Specially when the petitioner is also not posted initially under the territorial jurisdiction of this Court, it is the case of the petitioner that he is at present posted in Assam and therefore, it would be only the Armed Forces Tribunal, which can look into the grievance of the petitioner.

When such an observation has been made, learned counsel for the petitioner, seeks permission to withdraw this application in order to enable the petitioner to move before the Armed Forces Tribunal for redressal of his grievance.

That being so, this application is permitted to be withdrawn with the aforementioned liberty.

(Mihir Kumar Jha, J)

Ranjan/-

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