

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9406 of 2015

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Chhote Lal, S/o Sri Lalan Rai, resident of Mohalla- Hanumanganj, P.O.-
Chandmari, P.S.- Sahpur, District- Patna.

.... Petitioner/s

Versus

1. The Union of India through its Secretary, Department of Defence,
Government of India, New Delhi.
2. The Commandant in Chief, Danapur Cant., Patna.
3. The O.I.C. Cant Manager, HQB & O Sub Area Danapur, Patna.
4. The Lt. Col, AQHG/OIC Canteen for Management Committee,
Danapur, Patna.
5. The Lt. Col. OIC Canteen for Management Committee, Danapur, Patna.
6. The OIC Canteen For Management Committee, Danapur, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar, Advocate.

For the Respondent/s : Mr. S.D. Sanjay (Addl. Soc. Gen.)

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 03-07-2015

Heard learned counsel for the parties.

2. Having regard to the fact that the petitioner was serving in the Danapur Cantonment and his appointment was made on the post of Peon/Choukidar under the order of the Lieutenant Colonel of Danapur Cantonment, this Court would find that order of termination of service of the petitioner dated 13.04.2011 or any subsequent cause of action for setting aside such order of termination even on the ground of his acquittal in criminal prosecution, ought to be made subject matter of an application either before the competent authority who had appointed and terminated him or before the Armed Forces Tribunal. This Court, thus, for the reasons indicated above, is not

inclined to interfere in the matter.

3. When such an observation has been made, learned counsel for the petitioner seeks permission to withdraw this writ application in order to enable the petitioner to move before the competent authority/Tribunal.

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 That being so, this writ application is permitted to be withdrawn with the aforementioned liberty.

(Mihir Kumar Jha, J)

Sujit/-

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