

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25361 of 2013

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1. The Union of India through the Secretary, Ministry of Defence Government of India, South Block, New Delhi
 2. The Chief of Army Staff, Army Head Quarters, DHQ, P.O. South Block, New Delhi
 3. The Adjutant General Personnel Service, Sena Bhawan, New Delhi
 4. The DDG (Pension), Ministry of Defence, Government of India New Delhi
 5. The Principal Chief Comptroller of Defence Accounts (Pension), Allahabad
 6. The Officer-In-Charge, Artillery Records, Nasik Road Camp - 422102, APS, Pin 908802 C/O 56 APO

.... Petitioner/s

Versus

Ram Surender Singh Son Of Chulhai Singh Village - Madhopur, P.O.- Bardaha, District - Madhubani Bihar, Ex-Mess Cook No. – 14370986A, Under Chief Records Officer, Top Khana Abhilekh Artillery Records, Nasik Road Camp - 422102 APS, Pin - 9088802 C/O 56 APO

.... Respondent/s

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Appearance :

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

For the Respondent/s : Mr. Anshul, Advocate.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

2 16-07-2015 Heard learned counsel for the Union of India- petitioners as well as private respondent who was the applicant before the Central Administrative Tribunal, Patna Bench, Patna.

Union of India is aggrieved by the order dated 13th of April, 2012 passed in O.A. No. 862 of 2010 wherein on an application being filed by the respondent and after taking into consideration the diverse submissions, a direction was issued by the Bench to consider the claim of the respondent for grant

of disability pension in terms of Regulation 173 and 423 of the Pension Regulations of Army, 1961, Part – I.

The submission of the counsel for the Union of India merits consideration that this order ought not to have been passed nor the application of the respondent should have been entertained after coming into force of the Armed Force Tribunal Act, 2007.

In view of the provision i.e. Section 34 of the Act, the jurisdiction of all other Courts and Tribunals came to be ousted.

The Tribunal obviously has exceeded its jurisdiction by entertaining such an application and passing direction.

Annexure-1, dated 13th of April, 2012 which is the order passed in O.A. No. 862 of 2010 is hereby quashed. The order passed in Review Application i.e. R.A. 24 of 2013 dated 30th of June, 2013 as contained in Annexure-2 is also quashed.

The writ application is allowed.

It is left open to the respondent to invoke the jurisdiction of the appropriate forum in accordance with law.

(Ajay Kumar Tripathi, J)

Jagdish/-

(Anjana Mishra, J)

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