

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1115 of 2015
IN
Civil Writ Jurisdiction Case No. 5458 of 2014**

Ex Cpl Group 1 679805, H. B. K. Singh @ Binod Kumar Singh, Son of Shew Kumar Singh, Resident of Village - Rangatard, P.O. & P.S. - Dhanbad, District - Dhanbad - 826001 (Jharkhand). Appellant

Versus

1. The Union of India, through Secretary Ministry of Defence, Government of India, New Delhi.
2. The Air Force Officer Commanding (AOC), Air Force record Office pension and welfare section Subroto Park, New Delhi.
3. The Dy. Controller of Defence Accounts (A.F) Subroto Park, New Delhi.
4. The Chief Bank Manager, State Bank of India, Central Pension Processing Centre (CPPC) West Gandhi Maidan, Anta Ghat, P.O. - Bankipur, Patna - 4.
5. The Bank Manager, State Bank of India (Pension Section) Main Branch Bank More Dhanbad (Jharkhand). Respondents

Appearance :

For the Appellant : Mr. H.B.K. Singh @ Binod Kumar Singh (In person)
For the Respondents : Mr. S.D. Sanjay, Sr. Advocate, ASG
For the UOI : Mr. Anshuman Singh, Advocate, CGC

CORAM: HONOURABLE MR. JUSTICE I. A. ANSARI

and

HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

Date: 04-11-2015

Aggrieved by an order dated 07.04.2015 passed by learned single Judge in C.W.J.C. No. 5458 of 2014, the appellant has preferred the present appeal under Clause 10 of the Letters Patent of this Court.

Learned single Judge, by the order under appeal, has dismissed the writ application filed by the appellant under Article 226 of the Constitution of India on the ground that the relief, which he had sought for, was maintainable before the Armed Forces Tribunal constituted under the Armed Forces Tribunal Act, 2007.

We do not find any infirmity in the order, under appeal, for

the simple reason that the petitioner in his application filed under Article 226 of the Constitution of India, had sought for a direction for payment of 'service pension' and 'disability pension etc.' which is squarely covered by the definition "Service Matter" as occurring under Section 3(O) of the Armed Forces Tribunal Act, 2007. The said definition includes the remuneration, pension and other retirement benefits of an army personnel.

We, therefore, do not find any reason to interfere with the order under appeal.

It goes without saying that the appellant shall have liberty to approach the Tribunal constituted under the Armed Forces Tribunal Act, 2007 for the redressal of his grievances.

If the appellant files any application before the Tribunal within a period of one month from today, we expect that the Tribunal shall expedite disposal of his application and dispose it of as expeditiously as possible, preferably within a period of six months from the date of filing of such application.

This appeal is, accordingly, stands closed with the aforesaid observation.

(I. A. Ansari, ACJ)

(Chakradhari Sharan Singh, J)

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