

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8487 of 2015

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Jwala Mahanand s/o Late Vijay Kumar Mahanand, resident of village Teja Tola, c/o Ram Sinha, P.S. Katihar, district Katihar.

.... Petitioner/s

Versus

- 1.The Union of India through the chief Engineer, Military Engineering Head Quarter, Eastern Command, Kolkatta.
- 2.The Chief Engineer, (Air Force) Shillong Zone Elephant Falls Camp, Shilong(Meghalaya).
- 3.The Director (Personal and Legal), shilong Zone, Elephant Falls Camp, Shillong.
- 4.The Garrison Engineer, (Air Force), Military Engineer Services, Bag-Dogra, District Darjeeling, West Bengal.
- 5.The Asstt. Garrison Engineer (Air Force) Military Engineer Services, Bag-Dogra, District Darjeeling (West Bengal).

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Jha, Adv

For the Respondent/s : Mr. S.D Sanjay (Addl. Soc. Gen.) & Mr. Sujeet Kumar Sinha, C.G.C

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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 being a son of the Air Force Personnel who died in harness on 10.04.2010, wants a direction for his appointment on compassionate ground after setting aside the reasoned order dated 27.03.2015, passed by the Director (Pers & Legal) under the orders of Chief Engineer(AF), Shillong.

In the considered opinion of this Court, the claim

of the petitioner would lie only before the 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.

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.

That being so, this application is permitted to be withdrawn with the aforementioned liberty.

(Mihir Kumar Jha, J)

Ranjan/-

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