

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1467 of 2015

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Harendra Tiwary S/o Sri Indrajeet Tiwary posted as Lt. Colonel in Army at Pathankot, Punjan resident of Flat No. Shivam Residency, Khajpura, P.S-Shastrinagar, District- Patna.

.... Petitioner/s

Versus

1. The Union of India through General Officer, Commanding in Chief Western Command Chandi Mandir, Chandigarh.

2. Manisha Kumari W/o Harendra Tiwary D/o Sri Jai Prakash Narayan Sharma, resident of Indrapur, Road No.1, P.S -Patliputra Dist- Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Sinha, Adv

For the Respondent/s : Mr. Rajesh Verma, A.S.G.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 23-02-2015 Heard learned counsel for the parties as with regard to the following relief prayed for in this writ application:-

"For a direction to quashing the order dated 18.02.2014 per month passed by General Officer, commanding in Chief Western Command, Chandimandir, Chandigarh, whereby and where under the said Officer has sanction for deduction @ 33% (Rs. 63500/-) per month from the salary of the petitioner as maintenance allowance from the date of application i.e. 14 May 2013 in favour of the respondent."



Having regard to the fact that the petitioner seeks relief against an order of authorities of the Armed Forces in the matter relating to his service condition, the remedy for the petitioner belonging to Armed Forces at the first instance would be only before the Armed Forces Tribunal, as was also held by a Division Bench judgment of this Court in the case of **Union of India vs Colonel, Sarat Chandra Mishra**, reported in **2012(3) PLJR 101**.

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 appropriate Armed Forces Tribunal for redressal of the grievance raised herein.

That being so, this application is permitted to be withdrawn with the aforementioned liberty.

(Mihir Kumar Jha, J)

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