

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**W.P.S No. 1483 of 2008**

Balram Prasad Shukla S/o Shri Bhagwat Deen Shukla, Presently Posted  
As Assistant Teacher Primary School Kooli, Post Bahoud Vyayha Baluda,  
Tahsil Masturi, Distt. Bilaspur, C.G.

**---- Petitioner**

**Versus**

1. Union Of India through the Secretary Ministry of Defence Government of India, New Delhi.
3. The Officer-In-Charge Records, Artillery, Nasik Road Camp Maharashtra
4. The Chief Controller Defence Accounts (Pension) Drapudi Ghat, Allahabad, Uttar Pradesh

**---- Respondents**

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|---------------------|----|-------------------------------------------------------------------------------|
| For Petitioner      | :- | Shri K. Rohan Advocate appears under instruction of Shri Amrito Das, Advocate |
| For Respondent No.1 | :- | Ms. Poornima Singh, Advocate                                                  |

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**Hon'ble Shri Justice P. Sam Koshy**

**Order On Board By**

**10/07/2015**

1. The dispute raised in the instant petition by the petitioner is for grant of disability pension which he has claimed in respect of his service rendered in the Armed Force.
2. The nature of dispute raised by the petitioner makes it fall within the ambit of dispute which has to be resolved by the Tribunal constituted under the Armed Force Tribunal Act, 2007. Section-34, of the said Act reads as under:-

**Section -34 Transfer of pending cases:-** (1) Every suit, or other proceeding pending before any Court including a High Court or other authority immediately before the date of establishment of the Tribunal under this Act, being a suit or proceeding the cause of action whereon it is based, is such that it would have been within the justification of the Tribunal, if it had arisen after such establishment within the jurisdiction of such Tribunal, stand transferred on that date to such Tribunal.

3. In view of the same let the present case be transferred to Armed Force Tribunal.
4. Registry is directed to ensure that the present writ petition is transferred to the Principal bench of the Armed Force Tribunal.
5. Accordingly, the instant writ petition stand transferred.

Sd/-  
**(P. Sam Koshy)**  
**JUDGE**