

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION No. 95 OF 2015

JC-330613N Sub/SKT/Sushil Kumar Roy ... Petitioner
vs.
The Union of India, through Secretary
Ministry of Defence & Ors. ... Respondents

Ms. Manda Loke, Advocate for the petitioner.

**CORAM : SMT. VASANTI A. NAIK &
C.V. BHADANG, JJ.**
DATE : 12th February, 2015.

P.C.

By this Petition, the petitioner seeks action against the respondent nos. 4 to 8 under the Contempt of Courts Act for willfully disobeying the order of the Armed Forces Tribunal, Regional Bench, Mumbai dated 7th January, 2015 directing the respondent nos. 4 to 8 to consider the representation of the petitioner sympathetically.

The Contempt Petition is misconceived. Though the Armed Forces Tribunal had passed an order on 7th January, 2015 directing the respondent nos. 4 to 8 to consider the representation of the petitioner sympathetically, the Tribunal has subsequently found on hearing the counsel for the respondents in the said case that the Tribunal did not have jurisdiction to decide the original application filed by the petitioner.

In view of absence of jurisdiction in the Tribunal, the Tribunal had disposed of the original application. The petitioner cannot now seek action against the respondent no. 5 on the basis of the order dated 7th January, 2015, as the Tribunal did not have jurisdiction to entertain the original application and pass any interim orders therein. The order of the Tribunal, of which the contempt is alleged, gets merged with the final order passed by the Tribunal.

Hence, we dispose of the Contempt Petition, with no order as to costs.

(C.V. BHADANG, J.)

(VASANTI A. NAIK, J.)