

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.VINOD CHANDRAN

WEDNESDAY, THE 24TH DAY OF JUNE 2015/3RD ASHADHA, 1937

WP(C).No. 13099 of 2015 (J)

PETITIONER:

**PADMAKUMAR.P.V, S/O VELAPPAN NAIR,
AGED 33 YEARS, ERATHERYAM VEEDU,
NADOOR KOLLA, AMARAVILA P.O,
THIRUVANANTHAPURAM, PIN CODE - 695 122.
NOW WORKING AS L/NK OF 18 MADRAS REGT,
WELLINGTON (NILGIRIS), TAMILNADU-643 231.**

**BY ADVS.SRI.D.GANESH KUMAR
SMT.K.I.KAVITHA**

RESPONDENT(S):

- 1. COLONEL, COLONEL ADMINISTRATION
(DISCIPLINE & VIGILANCE) FOR GENERAL
OFFICER COMMANDING -IN-CHIEF,
18 MADRAS REGT, PIN-911 618, C/O 99 APO,
THE MADRAS REGT, WELLINGTON (NILGIRIS),
TAMILNADU-643 231.**
- 2. SMT. NITHYA MOHAN.M.S, AGED 30 YEARS,
D/O SREEKUMARI AMMA, KARAVILA VEEDU, T.C.7/1860,
C-77, SREECHITRA NAGAR, PANGODE, THIRUMALA P.O,
THIRUVANANTHAPURAM-695 006.**
- 3. ARSHIYA N.P, AGED 1½ YEARS,
D/O NITHYA MOHAN M.S, KARAVILA VEEDU, T.C.7/1860,
C-77, SREECHITRA NAGAR, PANGODE, THIRUMALA P.O,
THIRUVANANTHAPURAM-695 006 (RESPONDENT NO.3 MINOR,
REPRESENTED BY MOTHER THE 2ND RESPONDENT)**

**R1 BY ADV. SRI.SUVIN R.MENON, CGC
BY SRI.N.NAGARESH, A S G**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 24-06-2015, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:**

mbr/

APPENDIX

PETITIONER(S)' EXHIBITS:

- EXT.P1: TRUE COPY OF THE ORIGINAL PETITION FILED BEFORE THE HONOURABLE FAMILY COURT AS OP NO.459/2014 BY THE PETITIONER.
- EXT.P2: TRUE COPY OF THE APPLICATION FILED BY PETITIONER, NOW PENDING BEFORE FAMILY COURT, THIRUVANANTHAPURAM AS IA NO.581/2015 IN OP NO. 459/2014.
- EXT.P3: TRUE COPY OF THE APPLICATION FOR REQUEST SUBMITTED, BY THE 2ND RESPONDENT BEFORE THE 1ST RESPONDENT COMMANDING OFFICER.
- EXT.P4: TRUE COPY OF THE COUNTER STATEMENT SUBMITTED BY PETITIONER BEFORE THE 1ST RESPONDENT.
- EXT.P5: TRUE COPY OF THE ORDER DATED 29/01/2015 PASSED BY THE COLONEL, COLONEL ADMINISTRATION (DISCIPLINE AND VIGILANCE) FOR GENERAL OFFICER COMMANDING -IN-CHIEF.

RESPONDENTS' EXHIBITS: NIL.

//TRUE COPY//

P.S. TO JUDGE

mbr/

K. VINOD CHANDRAN, J

W.P(C) No. 13099 of 2015

Dated this the 24th day of June, 2015

J U D G M E N T

The petitioner is aggrieved with Ext.P5 order passed by the 1st respondent. Ext.P5 order though grants maintenance, is a penalty imposed on the petitioner as per the Army Act, 1950. In such circumstance, the petitioner would have to approach the Armed Forces Tribunal. Leaving open such remedy, and without making any observation on merits, the writ petition would stand closed.

Sd/-

(K. VINOD CHANDRAN, JUDGE)

jma

//true copy//

P.A to Judge