

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.38457 of 2015

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DATED : 26.11.2015

Between :

Mr. Syed Anwar S/o.Syed Mahboob
Aged about 31 yrs, Occu :Employee,
Indian Air Force, R/o.H.No.6-7-129/1.
Raju Colony, Balanagar, R.R.District.

.. Petitioner

and

The Union of India,
Rep., by Principal Secretary,
Defence, 101 A, South Block,
New Delhi & 2 others.

.. Respondents

This court made the following :

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ORDER :

The petitioner is a combatant member of Indian Air Force. The petitioner is aggrieved by the order dated 28.05.2015 passed by the 2nd respondent in exercise of power under Section 91 (i)/92 (i) of Air Force Act, 1950, awarding maintenance in favour of his daughter and wife. This is a service grievance of the petitioner arising out of service in connection with the Air force. All service grievances of Commissioned Officers/employees are vested with Armed Forces Tribunal constituted under Armed Forces Tribunal Act, 2007 (for short 'the Act'). This is an alternative forum created for adjudication of service disputes concerning the combatant members of Indian Air Force and therefore, petitioner has to avail the remedy under the Act, and as held by the Hon'ble Supreme Court in ***L. Chandra Kumar Vs Union of India***, the Tribunal created under the Act is the Court of first instance and aggrieved person has to invoke the jurisdiction of the Armed Forces Tribunal and cannot directly come to this Court under Article 226 of the Constitution of India.

2. Hence, the writ petition is not maintainable and accordingly, it is dismissed leaving it open to the petitioner to avail the remedy as provided under the Armed Forces Tribunal Act, 2007. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

P.NAVEEN RAO,J

26th November, 2015

Note : Issue c.c by 01.12.2015.

B/o.

Rds

