

THE HON'BLE SRI JUSTICE DILIP B.BHOSALE
AND
THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT APPEAL No.77 of 2002

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JUDGMENT : (per Hon'ble Sri Justice A.Ramalingeswara Rao)

This writ appeal arises out of an order passed in Writ Petition No.15489 of 1990 dated 06.07.2001. The respondent in the present writ appeal filed the above writ petition challenging the orders passed by the Chief of the Naval Staff, Naval Headquarters, New Delhi, deciding not to interfere with the finding and sentence imposed against the respondent herein by the Court Martial. The said writ petition was heard along with another writ petition in W.P.No.15876 of 1990 by the learned Single Judge of this Court and both the writ petitions were allowed by common order

dated 06.07.2001 and the matter was remitted to the Judge Advocate General of the Navy for recording his reasons and then to forward the same to the first respondent in the writ petition for enabling him to pass a speaking order and communicate the same to the petitioner in the writ petition. Challenging the said order, present writ appeal is filed.

When the above appeal is pending, by notification dated 21.10.2009 issued under Section 5 (4) of the Armed Forces Tribunal Act, 2007, the Central Government established a Bench of Armed Forces Tribunal at Chennai w.e.f.26.10.2009 which shall have jurisdiction within the territorial limits of the States of Tamil Nadu and Andhra Pradesh.

By virtue of the said notification, the powers and other authority becomes exercisable by the Tribunal constituted under the said notification w.e.f.26.10.2009 and as per Section 34 of the Armed Forces Tribunal Act, 2007, all proceedings pending before this Court shall stand transferred to the Tribunal.

Accordingly, there shall be a direction to the Registry to transmit the papers in this appeal to the Armed Forces Tribunal,

Regional Bench at Chennai within a period of two weeks from today.

Dilip B.Bhosale, J

A.Ramalingeswara Rao, J

9th February, 2015.
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