

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12922 of 2014

=====

Binit Kumar Pathak, son of D.K. Pathak, resident of Village- Beri, P.O.- Beri, P.S.-
K. Ashthan, District- Darbhanga (Bihar).

.... Petitioner/s

Versus

1. The Union of India through the Defence Secretary, Army H.Q., Defence H.Q.,
New Delhi.
2. The Chief of the Army Staff, Army H.Q. Defence H.Q., New Delhi.
3. The Presiding Officer, 5033 A.S.C. BN (Civ GT), C/o 99 APO.
4. The Commanding Officer, 5033 A.S.C. BN (Civ GT), C/o 99 APO.
5. The General Officer Commanding 33 Corps, C/o 99 APO.

.... Respondent/s

=====

Appearance :

For the Petitioner : Mr. Ful Man Singh, Advocate

For the Respondents : Mr. Awadhesh Kumar Pandey, Advocate
Mr. Ravinder Kumar Sharma, C.G.C.

=====

CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA

And

HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 30-06-2016

The challenge in the present writ petition is to an order dated 1st of April, 2014 passed by the Central Administrative Tribunal, Patna Bench, Patna (hereinafter referred to as 'the Tribunal') whereby an Original Application filed by the petitioner challenging his discharge from service under Army Rule 13(3) (III) (V) was dismissed as the Tribunal has no jurisdiction over the petition.

2. The argument of the petitioner is that he is a civil employee engaged in Armed Forces and, therefore, he is governed by Civil Services Service Rules and not by the Army Rules.

3. We find that such argument to be untenable for the reason that the letter of appointment (Annexure-3 to the writ petition) itself stipulated that the petitioner is subject to Army Act for discipline. Therefore, the Central Administrative Tribunal is not the appropriate Forum for the redressal of the grievances raised by the petitioner. The petitioner has to seek his remedy elsewhere in accordance with law.

4. In view thereof, the present petition is dismissed.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Sunil/-

AFR/NAFR	
CAV DATE	N. A.
Uploading Date	12.07.2016
Transmission Date	