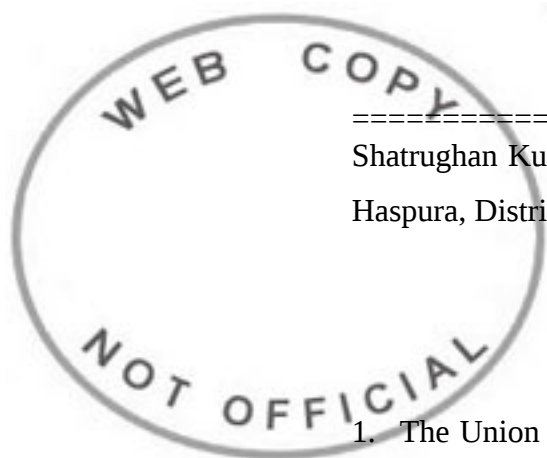




IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.860 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 1224 of 2014

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Shatrughan Kumar, S/o Sri Suraj Mal Singh, Resident of Village - Jakhaura, P.S.-
Haspura, District - Aurangabad.

.... Appellant/s

Versus

1. The Union of India through its Secretary, Minister of Defence, Government of India, New Delhi.
2. The Secretary, Minister of Defence, Government of India, New Delhi.
3. The Colonel Deputy Commandant Headquarter, Army Service, Corps Centre (North) Bangalore - 07, State of Karnataka.
4. The Director General of Supply and T.P.T.C.S.T. (2) Post New Delhi Headquarter of Ministry of Defence (Army) D.H.Q.P.O. New Delhi.
5. The Brigadier Commandant ASC Centre (North) Head Quarters, Army Service Corps Centre (North), Bangalore - 7.

.... Respondent/s

with

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Letters Patent Appeal No. 865 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 1268 of 2014

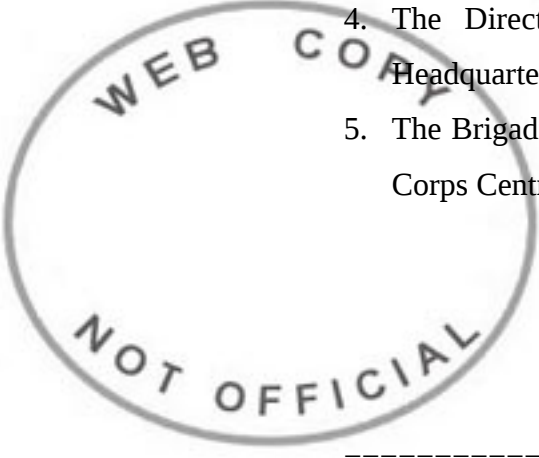
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Pravin Kumar, S/o Ramanak Thakur, resident of village Bedaul Asli, P.S. Aurai,
District Muzaffarpur.

.... Appellant/s

Versus

1. The Union of India through its Secretary, Minister of Defence, Government of India, New Delhi.
2. The Secretary, Minister of Defence, Government of India, New Delhi.

- 
3. The Colonel Deputy Commandant Headquarter, Army Service, Corps Centre (North) Bangalore-07, State of Karnataka.
 4. The Director General of Supply and T.P.T.C.S.T (2) Post New Delhi Headquarter of Ministry of Defence (Army) D.H.Q.P.O. New Delhi.
 5. The Brigadier Commandant ASC Centre (North) Head Quarters, Army Service Corps Centre (North), Bangalore-7.

.... Respondent/s

with

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Letters Patent Appeal No. 1265 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 1284 of 2014

=====

Jagat Nath Verma, S/o Sri Ram Chandra Prasad, resident of Village- Gopalpur,
P.S.- Magadh Medical College, District- Gaya

.... Appellant/s

Versus

1. The Union of India through its Secretary, Minister of Defence, Government of India, New Delhi.
2. The Secretary, Minister of Defence, Government of India, New Delhi.
3. The Colonel Deputy Commandant Headquarter, Army Service, Corps Centre (North) Bangalore-07, State of Karnataka.
4. The Director General of Supply and T.P.T.C.S.T (2) Post New Delhi Headquarter of Ministry of Defence (Army) D.H.Q.P.O. New Delhi.
5. The Brigadier Commandant ASC Centre (North) Head Quarters, Army Service Corps Centre (North), Bangalore-7.

.... Respondent/s

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Appearance :
For the Appellant/s : Mr. Bipin Bihari Singh, Advocate.
Mr. Rakesh Ranjan, Advocate.
Mr. Shyamakant Singh, Advocate.
For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
and
HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)
Date: 02-08-2016

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Re.: Interlocutory Application Nos. 3625 of 2015, 3655 of 2015 and 5427 of 2015 in L.P.A. Nos. 860 of 2015, 865 of 2015 and 1265 of 2015 respectively.

The applications are for condonation of delay of 222, 224 and 224 days respectively in filing the Letters Patent Appeals.

2. For the reasons mentioned in the Interlocutory Applications, we are satisfied that the appellants have shown sufficient cause to seek condonation of delay in filing the present Letters Patent Appeals.

3. Consequently, Interlocutory Applications are allowed and delay in filing the Letters Patent Appeals is condoned.

Re.: Letters Patent Appeal Nos. 860 of 2015, 865 of 2015 and 1265 of 2015.

The order dated 28th of February, 2014, passed by the learned Single Bench of this Court in C.W.J.C. Nos. 1224 of 2014, 1268 of 2014 and 1284 of 2014 is subject matter of challenge in the present Letters Patent Appeals. The challenge in the writ applications was discharge from Indian Army on medical ground as they were found unfit in the year 2001-2002.

2. It appears that provisions of the Armed Forces Tribunal Act, 2007 were not brought to the notice of the Court. Such Act confers exclusive jurisdiction upon the Armed Forces Tribunal in respect of service matters, which include the discharge on medical grounds.

3. Therefore, the order passed by the learned Single Bench is set aside and the writ petitions are dismissed with liberty to the appellants to avail the remedy as is provided under the Armed Forces Tribunal Act, 2007.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

P.K.P./Anand
N.A.F.R.

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