

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.657 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 1165 of 2014
Along with
Interlocutory Application No.2810 of 2015

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Ashok Kumar, son of late Sukh Nandan Prasad, resident of Nonniha Bigha, P.S.-
Kako, District-Jehanabad.

.... Petitioner-Appellant

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.

.... Respondents- Respondents

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Appearance :

For the Appellant/s : Mr. Rakesh Ranjan, 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: 28-07-2016

Re.: Interlocutory Application No.2810 of 2015

The application is for condonation of delay of 224 days in
filing of the present Letters Patent Appeal.

2. For the reasons mentioned in the application, we find
that sufficient cause is made out for condonation of delay.
Consequently, we condone the delay in filing of the present Letters
Patent Appeal.

3. Interlocutory Application stands allowed accordingly.

Re.: Letters Patent Appeal No.657 of 2015

The order dated 28th of February, 2014 is subject matter of challenge in the present Letters Patent Appeal. The challenge in the writ petition was discharge from Indian Army on medical ground as he was 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 petition is dismissed with liberty to the appellant to avail the remedy as is provided under the Armed Forces Tribunal Act, 2007.

4. Office is directed to be careful in future to make sure that the bar of jurisdiction is pointed out to the Bench in the matters relating to the Armed Forces personnel.

(Hemant Gupta, J.)

(Ahsanuddin Amanullah, J.)

Sunil/-

AFR/NAFR	
CAV DATE	N. A.
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