

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

W.P.No.4321 of 2001

C.Tamil Selvan (deceased)
T.Unnamalai Petitioner
(substituted as LR of the deceased sole petitioner
as per order of this Court dt.28.03.2003)
Vs

1.Union of India rep by
Secretary, Ministry of Defence
New Delhi.

2.The Presiding Officer
Summary General Court Martial
Second Mountain Division
Dibrugar District, Assam State. Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari calling for the records from the file imposing a sentence of two years simple imprisonment and removal of petitioner from service by an order of the second respondent dated 22.07.1999 as per the convening order No.6380604/PC/ST 12 dated 12.02.1999 to quash the same.

For petitioner : Mr.A.S.Narasimhan

For Respondents : Mr.S.Arockiam
Standing Counsel

सतममेव जयते
O R D E R

Tamil Selvan, the writ petitioner was working as a Lance Nayak in the Indian Army and by impugned proceedings dated 22.07.1999, he was sentenced to undergo two years imprisonment and dismissed from service, challenging which he had filed the above writ petition.

2. During the pendency of the writ petition, Tamil Selvan died and by order of this Court in WPMP No.9821 of 2003 dated 28.03.2003, his wife Unnamalai has stepped into his shoes, as petitioner.

3. During the pendency of the writ petition, the Armed Forces Tribunal Act, 2007 has come into force and under Section 34 of the said Act, all pending matters should be transferred to the Tribunal constituted under the said Act.

4. Under such circumstances, the Registry is directed to transfer the entire records in W.P.No.4321 of 2001 to the Registrar, Building No.1A (Old MH complex), Rudhra Road, St.Thomas Mount, Chennai 600 016, within two weeks from the date of this order.

With the above direction, this petition is closed. No costs.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

gms

To

1.The Secretary, Ministry of Defence, Union of India, New Delhi.

2.The Presiding Officer, Summary General Court Martial Second Mountain Division, Dibrugar District, Assam State.

3. The Registrar, Building No.1A (Old MH complex), Rudhra Road, St.Thomas Mount, Chennai 600 016 .

Copy to

1. The Section Officer
VR Section,
High Court, Madras

2. The Section Officer
Writ Section,
High Court, Madras

1 cc to Mr.S. Arockiam, Advocate, Sr. 72202

W.P No.4321 of 2001

GJII (CO)
kk 30/12