

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

RSA No.2131 of 1994

Date of Decision:10.11.2016

Master Paryag (Minor) and others

... Appellants

Vs.

Union of India and others

... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : None for the appellants.

Ms. Gehna Vaishnavi, Advocate for respondents No.1 and 2.

P.B. BAJANTHRI J.

There was dispute relating to grant of retiral benefits amongst the appellants and the respondent-Suman Sharma widow of late Shri Nand Kishore Sharma. The appellants have filed a suit in the year 1988 and it was rejected on 11.9.1992. Thereafter, they preferred an appeal before the Appellate Court in the month of October 1992 and it was decided on 17.3.1994 while affirming the order of the trial Court. Thus, the present appeal has been filed in the year 1994. The matter is pending consideration.

Learned counsel for the Union of India submitted that deceased Shri Nand Kishore Sharma was working in Air Force. Therefore, the matter is required to be decided by the Armed Forces Tribunal under the Armed Forces Tribunal Act, 2007.

At this distance of time transferring the appeal before the Armed Forces Tribunal may not be correct. However, statutory provisions of Armed Forces Tribunal Act provides for transfer of the pending petition.

None appears for the appellants.

The present RSA is transferred to Armed Forces Tribunal. The Armed Forces Tribunal is requested to convert this petition as application/petition and decide the litigation within a period of six months from today. The Registry is directed to transmit present petition to Armed Forces Tribunal, Chandigarh at the earliest.

10.11.2016
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No