

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

CWP No.13879 of 2013 (O&M)

Date of decision:06.09.2016

Dafedar Manoj Kumar

....Petitioner

Versus

Union of India and others

....Respondents

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

**Present:** Mr. Pradeep Sharma, Advocate,  
for the petitioner.

Mr. O.P. Dabla, Advocate,  
for the Union of India.

\*\*\*

**P.B. BAJANTHRI, J. (Oral)**

In the instant writ petition, the petitioner is seeking a direction to the respondents to amend the date of award of severe reprimand from 03.09.2012 to 12.01.2012 when the final directions were already given by the Commander 39 Armoured Brigade and further sought for direction to consider his name for promotion as though he was punished on 12.01.2012 so that one year ban stands lifted on 12.1.2013.

The petitioner is a Army personnel. He is seeking for modification of punishment awarded to him and further seeking for promotion to the rank of Naib Risaldar from the date of promotion of juniors. Army personnel service matter could be agitated before the Armed Force Tribunal. Since Section 3 (o) read with Section 34 of the Armed Force Tribunal, 2007 relates service matter. The petitioner has to approach Armed Force Tribunal and this Court has no

jurisdiction. Thus, writ petition stands dismissed. Dismissal of this petition will not come in the way of the petitioner to approach the Armed Force Tribunal. If any application is moved before the Armed Force Tribunal along with application for condonation of delay, the Armed Force Tribunal shall consider the delay application sympathetically.

With the above observations, petition stands dismissed.

**06.09.2016**

PA

**(P.B. Bajanthri)**  
**Judge**

Whether speaking/reasoned      Yes/No

Whether reportable                Yes/No