

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

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**CWP No. 13945 of 2013(O&M)
Date of decision: 15.09.2016**

Sukhwinder Singh

.... Petitioner

Versus

Union of India and others

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Mr.Rajeev Anand, Advocate for the petitioner.

Mr. Brijeshwar Singh Kanwar, Sr. Standing counsel for UOI.

P.B. Bajanthri, J. (Oral)

In the instant writ petition, the petitioner has challenged the order dated 11.05.2012 summary court martial vide Annexure P9.

2. Short question for consideration is whether writ is maintainable against the service conditions of the petitioner or not. Petitioner was appointed as a Gunner/Operator. Under the administrative control of respondent No. 3 Commanding Officer, 2 Field Regiment. In view of the Section 3(o) of the Armed Forces Tribunal Act, 2007 which reads as under:-

“Section 3(o)-”Service matters”, in relation to the persons subject to the Army Act, 1950(46 of 1950), the Navy Act, 1957 (62 of 1957) and the Air Force Act, 1950 (45 of 1950), mean all matters relating to the conditions of their service and shall include-

(i) remuneration (including allowances), pension and other retirement benefits;

(ii) tenure, including commission, appointment, enrolment, probation, confirmation, seniority, training, promotion, reversion, premature

*retirement, superannuation, termination of service
and penal deductions;
(iii)summary disposal and trials where the punishment
of dismissal is awarded;
(iv)any other matter, whatsoever.”*

3. The grievance of the petitioner would fall under any other matters, whatsoever. Therefore, this court has no jurisdiction. Accordingly, writ petition is dismissed for want of jurisdiction. Since the matter is pending consideration before this Court from June 2013, therefore, writ papers should be transmitted to the Armed Forces Tribunal, Chandigarh by the Registry at the earliest.

15.09.2016

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No