

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

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**CWP-25842-2012 (O&M)
Date of decision:15.09.2017**

Subedar Nathi Ram Garg

....Petitioner

Union of India and others

.... Respondents

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

Present: Mr. Ish Puneet Singh, Advocate for the petitioner.

Mr. Vikrant Pamboo, Advocate for the respondents.

P.B. BAJANTHRI, J. (ORAL)

In the instant writ petition, petitioner has challenged the order dated 20.07.2005 (Annexure P-2) by which he has been punished by imposing the penalty of 'severe reprimand in a summary trial'. Perusal of Section 30 of the Armed Forces Tribunal Act, 2007 (for short 'AFT Act') which deals with the service matters item No. 3(i) deals with the summary disposal and where the punishment of dismissal is awarded. Therefore, submission of the petitioner is that Armed Forces Tribunal (for short 'AFT') has no jurisdiction to decide the order dated 20.07.2005 (Annexure P-2) by which petitioner has been penalized by imposing penalty of severe reprimand in a summary trial. Perusal of Section 4(i) of Section 30 of AFT Act, 2007 which deals with any other matter, whatsoever, but shall not

include matters relating to orders issued under Section 18 of the Army Act, 1950 (46 of 1950) sub-Section 1 of Section 15 of the Navy Act, 1957 (62 of 1957) and Section 18 of the Armed Forces Act, 1950 ; 45 of 1950. The petitioner's case would fall under “Item No.4(i) “any other matter”. In view of the above statutory provision this court has no jurisdiction. Therefore, petition is liable to be dismissed on the score of jurisdiction. Since, the matter is pending consideration from the year 2012. Therefore, the Registry of this court is hereby directed to transmit the present writ papers to the AFT, Chandigarh within a period of 8 weeks' from today. Parties are hereby directed to appear before the AFT, Chandigarh on 30.11.2017.

15.09.2017

pooja saini

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

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No