

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

Date of decision: 17.03.2017

CM No.4100 of 2017 in/and
CWP No.25231 of 2016

Subedar Dina Nath

...Petitioner

Vs.

Union of India & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Rajesh Sehgal, Advocate, for the petitioner.

Mr. Arun Gussain, Advocate, for the respondents.

RAJIV NARAIN RAINA, J. (ORAL)

In view of the statement made in the application filed by the Indian Army, this case has to go to Armed Forces Tribunal (AFT) for adjudication.

Faced with this, learned counsel for the petitioner informs the Court that there is no regular Bench sitting in the Armed Forces Tribunal, Chandimandir and a temporary arrangement has been made where either the Chairperson of the AFT or some other Judicial Member deputed by the Chairperson hold Court from time to time and, therefore, the interim stay granted by this Court vide order dated 06.12.2016 may kindly be extended and allowed to continue till such time as the petitioner gets effective hearing on the first occasion before the Tribunal when he can press for stay in this transfer and posting matter. The request is fair and reasonable. Accordingly, while transferring this petition to the Armed Forces Tribunal under Section 34 of the Armed Forces Tribunal Act, 2007, the interim stay granted vide

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order dated 06.12.2016 would continue till the petitioner gets effective hearing before the Tribunal and his case decided.

Registry to send the file, complete in all respects, to the Armed Forces Tribunal, Chandimandir forthwith.

Accordingly, application stands disposed of and the main file is closed.

17.03.2017
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>