

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1109 of 2015

In
Civil Writ Jurisdiction Case No.11758 of 1998

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Ramakant Goswami Son of Late Gaya Dayal Goshwami Resident of village -
Deoar, P.S. Sandesh, District - Bhojpur

... .. Appellant/s

Versus

1. The Union of India through its Defence Secretary, Department of Government of India, New Delhi
2. The Secretary, Department of Defence, Govt. of India, New Delhi
3. The Chief of the Army Staff, Army Head Quarter and A.G.S. Branch D.H.Q., New Delhi
4. The Head Quarter, Central Command (A), Lucknow
5. The Commandant, Bihar Regimental Centre, Danapur Cantt., Patna, Bihar
6. Shri B.K. Sharma, Lieutenant Colonel, Administrative Battalion, Bihar Regiment Centre, Danapur, Patna

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Bishnu Kant Dubey Advocate
For the Respondent/s	:	Mr. Anjani Kumar Saran ASG Mr. Rajesh Kumar Verma CGC

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 20-02-2018

Heard learned counsel for the appellant and counsel
appearing on behalf of the Union of India.

We are not impressed by the line of argument made by the
learned counsel for the petitioner that a reading of Section 14, 33
and 34 of the Armed Forces Tribunal Act, 2007 would be an
indicator that the jurisdiction of High Court is not ousted from



entertaining applications of members of the Armed Forces, if they have a grievance relating to their service.

Learned Single Judge has taken note of two Division Bench decisions of this High Court on such issue and based on the ratio, has ordered transfer of writ application of the appellant before the Armed Forces Tribunal.

The order does not suffer from any infirmity. Appeal is dismissed, accordingly.

Office is directed to carry out the direction of the Learned Single Judge by taking steps to transfer the entire records of the writ application of the appellant to the Armed Forces Tribunal, Kolkata. Looking at the fact that it is a very old matter and got held up for adjudication before the High Court over a long period of time, the Tribunal would be expected to give priority for an early adjudication of the matter.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

skm/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	21.02.2018
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