

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 5320 of 2018

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Abhay Kant Abhay, S/O Late Shiv Dayal Pandit, Resident of Village- Bhusaula
Danapur Chak, P.S. Phulwarisharif, District- Patna.

.... Petitioner/s

Versus

1. The Union of India through the Secretary & Ministry of Defence Vayu Bhawan,
New Delhi-10.
2. The Principal Controller of Defence Accounts (Pension) Subroto Park, New
Delhi-110010.
3. The Air Officer Commanding/Station Commander Air Force Station, Kanpur-
200808.
4. The Directorate of Air Veterans, Subroto Park, New Delhi-110010.
5. The Air Officer Commanding of Air Force Record Office, Subroto Park, New
Delhi-110010.
6. The Warrant Officer Incharge Record Wing Discharge, Air Force Record
Office, Subroto Park, New Delhi-110010.
7. The President Air Force Wives Welfare Association Bihar, District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shivpujan Sahay, Advocate
For the UOI : Mr. S. D. Sanjay, A.S.G.
Mr. R. K. Sharma, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 28-03-2018

Heard learned counsel for the petitioner and Union of
India.

2. In view of the fact that the petitioner who
superannuated from the Armed Forces of the Union of India, the
claim for pensionary benefits, at the first instance, has to be raised
before the Armed Forces Tribunal and not straightaway to the High
Court, as per the provisions of The Armed Forces Tribunal Act,
2007, which confers exclusive jurisdiction upon the Armed Forces
Tribunal in such matters.



3. Thus, the objection of the office is valid.

4. Faced with the situation, the writ petition stands disposed off with liberty to the petitioner to move before the appropriate forum, in accordance with law, for the relief claimed in the writ application.

5. The Court would indicate that non interference in the matter by the Court would not prejudice the case of the petitioner and the matter shall be considered on merits as and when he approaches the appropriate forum, in accordance with law.

(Ahsanuddin Amanullah, J.)

P. Kumar

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