

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

901 WRIT PETITION NO. 1447 OF 2007
WITH CA/6446/2008 IN WP/1447/2007
WITH CA/1885/2018 IN WP/1447/2007

VINAYAK SAHEBRAO DAWANGE
VERSUS
THE UNION OF INDIA AND ORS

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Advocate for Petitioner : Mr. Hemant Surve
GP for Respondents No.1 to 4: Mr. D.G. Nagode

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**CORAM : T.V. NALAWADE AND
SUNIL K. KOTWAL, JJ.**

DATE : 21st MARCH, 2018

PER COURT :

Heard both the sides for some time.

2. This Court has gone through the Gazette of India showing that the Ministry of Law and Justice has come with the Armed Forces Tribunal Act, 2007, which came into force on 25th December, 2007. The provisions of Section 3 [o][iii], [q], Section 4 and Section 14 are seen by this Court.

3. Learned counsel for the petitioner submitted that though initially in the petition, the relief was claimed only in respect of order of termination passed against the petitioner, Civil Application No. 1885 of 2018 is filed for seeking amendment, and by way of amendment, petitioner wants to challenge the vires of Regulation 333 of the Regulations of Army, 1987. Learned counsel for the petitioner submitted that in view of the proposed challenge, the proceeding can go on in this Court.

4. Considering the nature of grievance, this Court holds that the purpose behind the provisions of Regulation 333 of Regulations of Army, 1987 can be considered by the Tribunal itself. In view of the initial relief claimed by the petitioner, it can be said that only due to enactment of 2007, the proposed amendment is sought and purpose behind is to see that the proceeding is kept pending in the present Court. The matter is very old, and in view of the aforesaid provisions of Act, 2007, the matter needs to be sent to the Tribunal. It is submitted that the Tribunal is

situated at Mumbai, and so, the Registrar {Judicial} to see that the present proceeding is transferred to the said Tribunal. The Tribunal has power to consider all the contentions which the petitioner wants to make in respect of order of his termination.

(**SUNIL K. KOTWAL, J.**)

(**T.V. NALAWADE, J.**)