

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

CWP No. 31648 of 2019

Date of decision: November 01, 2019

Bakhshish Singh

...Petitioner

Versus

Union of India and others

..Respondents

CORAM:HON'BLE MR.JUSTICE G.S. SANDHAWALIA

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Present: - Mr. S.S. Aviraj, Advocate for
 Mr. Onkar Singh, Advocate
 for the petitioner.

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G.S. SANDHAWALIA,J.

Petitioner has filed the present writ petition under Articles 226 and 227 of the Constitution of India directing the respondent authorities for counting the entire period of enrollment in 112 Bn Territorial Army, Dogra from 7.4.1984 to 31.7.2004 towards his total length of service for the purposes of granting pension and other retiral benefits.

The office has put up objections as such also regarding as to how the writ petition is maintainable in view of the alternative remedy available.

Counsel for the petitioner is not in a position as such to overcome the said objections.

The Armed Force Tribunal Act, 2007 (for short 'the Act') under section 3 (o) of the Act defines service matter and sub-clause (i) talks about the pension and other retirement benefits. Section 14 sub-clause (2) of the Act further provides that if a person is aggrieved by an order pertaining to any service matter he may make an

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application to the Tribunal in such form and accompanied by such document or other evidence. Section 2(2) provides that the Act shall apply to retired personnel also in relation to their service matter.

In these circumstances, the writ petition is not maintainable.

Dismissed.

Liberty is given to the petitioner to approach the Armed Forces Tribunal in view of the above said observations.

November 01, 2019
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(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No