

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20876 of 2019

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Ram Lakshman Thakur @ Ram Laxan Thakur @ Ram Laxman Thakur Son
of Late Jangbahadur Thakur Resident of Village- Chehra Kala, P.O.- Chehra
Kala, P.S.- Goraul, District- Vaishali.

... .. Petitioner

Versus

1. Union of India through Secretary Defence Ministry New Delhi- 110001.
2. The Lieutent Colonel Officer Commanding, Vaidyut Ewam Yantric Engineering, E.M.S. Depot Battalion Secundrabad, P.S. and District Secundrabad Pin Code 500021.
3. The Officer Incharge EME Records Trimulgherry Secunderabad- 500021 P.S. and District- Secunderabad (Andhra Pradesh).

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Lal
For the Respondent/s : Mr. Awadhesh Kumar Pandey

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 29-06-2020 Heard learned counsel for the petitioner and learned
counsel for the Union of India via video conferencing.

2. The petitioner has filed the present application under Article 226 of the Constitution of India for issuance of a writ of mandamus to the respondents to pay his pension and other retirement benefits like provident fund, gratuity, etc.

3. A counter affidavit has been filed on behalf of the respondent-Union of India.

4. Mr. Awadhesh Kumar Pandey, learned counsel appearing for the Union of India raised a preliminary objection regarding the maintainability of the present application.



5. It is not disputed that the petitioner was enrolled in the Indian Army. It is also not disputed that consequent to establishment of Armed Forces Tribunal Act in the year 2007 for redressing the grievance related to service matters of all the three Armed Forces i.e. Army, Navy and Air Force, all the grievances on service matters pertaining to all the three armed forces are to be dealt with by the Armed Forces Tribunal.

In view of the statutory remedy being available to the petitioner under the Armed Forces Tribunal Act, 2007, I am not inclined to entertain this application in extraordinary writ jurisdiction. Accordingly, it is dismissed as not maintainable.

However, if so advised, the petitioner would be at liberty to agitate his grievance before the Armed Forces Tribunal.

(Ashwani Kumar Singh, J)

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