

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.105 of 2019

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Ramagia Baitha @ Ramadnya Baitha Son of Late Sajan Baitha Resident of
Village-Jalalpur Gurujwa, P.S. M.H. Nagar, Distt.-Siwan

... .. Petitioner/s

Versus

1. The Union of India
2. The Secretary, Ministry of Defence, Govt. of India, New Delhi
3. The Chief of Army, staff Army Headquarter, New Delhi
4. The Chief Engineer, H.Q., Eastern Command, Engineers Branch, Fort William, Kolkata-700001
5. The Garrison Engineer AF Bagdogra, Post Office Bagdogra Airport, Distt.- Dargeeling, West Bengal-73442
6. The Controller General, Defence Account, CDA Building, Patna-800001

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra
For the Respondent/s : Mr. S.D Sanjay Addl. Soc. Gen.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 16-06-2020 Heard Mr. Umesh Kumar Mishra, learned counsel

for the petitioner and Mr. Awadhesh Kumar Pandey, counsel for

the Union of India.

Learned counsel for the Union of India has raised two
objections firstly, the petitioner has come before this Court after
28 years of his dismissal which is barred by delay and laches
and, secondly, a stand has been taken that already the Armed
Forces Tribunal is functioning and submits that instead of
approaching this Court, the petitioner should approach to the
Armed Forces Tribunal.



This Court finds that the objection raised by the Union of India is valid. Accordingly, this writ application, in the present form, is not maintainable before this Court and the same is dismissed with a liberty to the petitioner to approached to the Armed Forces Tribunal.

(Shivaji Pandey, J)

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