

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.NO.33024 of 2019
and
WMP. No.33455 of 2019.

Naik RN. Ganguly

... Petitioner

-VS-

1. Union of India
Rep. by the Under Secretary,
Government of India
Ministry of Defence, New Delhi 110 001.
2. The Chief of Army Staff
Integrated Head Quarters of MOD Army,
DHQ-PO, New Delhi 110 001.
3. OC DSC
DSC 654 Plt (CVRDE) Avadi, Chennai 600 054.
4. The Officer-In-Charge
Defence Security Corps Records
Mill Road, Burnachery Post,
Kannur, Kerala 670 013. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue any appropriate Writ or Direction in the nature of a Writ of Certiorari, calling for the records relating to the orders passed by the fourth respondent dated 02.10.2019 thereby discharging the petitioner from service on medical ground in Low Medical Category (ADS) vide CA-1/1612/LMC/DO/Ser-234/19 and quash the same.

For Petitioner : Mr. R. Balamurali
For Respondents : Mr. S.S.Meenakumary
Senior Central Government
Standing Counsel

ORDER

This Writ Petition has been filed challenging the order passed by the fourth respondent discharging the petitioner from service on medical grounds.

2. Since the matter involves consideration of disputed question of fact, this Court posed a query to the respondents as to when the Armed Forces Tribunal will start functioning at Chennai. The learned Senior Central Government Standing Counsel has produced the notification before this Court dated 16.01.2020, which indicates that the Armed Forces Tribunal, Chennai Bench, will start functioning from 18.02.2020 at the Regional Bench, Chennai.

3. In view of the above, the petitioner is granted liberty to approach the Armed Forces Tribunal, Regional Bench, and make his claim. The Armed Forces Tribunal, Regional Bench, Chennai, is directed to entertain the claim made by the petitioner and proceed further to pass orders in accordance with law.

4. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. Union of India
Rep. by the Secretary,
Government of India
Ministry of Defence, New Delhi 110 001.
2. The Chief of Army Staff
Integrated Head Quarters of MOD Army,
DHQ-PO, New Delhi 110 001.
3. OC DSC
DSC 654 Plt(CVRDE) Avadi, Chennai 600 054.
4. The Officer-In-Charge
Defence Security Corps Records
Mill Road, Burnachery Post,
Kannur, Kerala 670 013
5. The Armed Forces Tribunal, Regional Bench, Chennai
+1cc to Mr.P.Balamurali , Advocate SR.No. 9349
+1cc to M/s.S.S.Meena kumari , Advocate SR.No. 9317

W.P.NO.33024 of 2019

A.SK(10/02/2020)