

HIGH COURT FOR THE STATE OF TELANGANA

THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN

AND

THE HON'BLE SRI JUSTICE A. ABHISHEK REDDY

WRIT PETITION No.2667 of 2020

Date: 12.02.2020

Between:

Rank-Ex-Sapper M.D. Jabeer

... Petitioner

and

Union of India,
Rep. by its Secretary/Chief of the Army Staff,
Ministry of Defence,
New Delhi, and others.

...Respondents

Counsel for the petitioners : Ms. G. Jaya Reddy

**Counsel for the respondents : Mr. Namavarapu Rajeshwar Rao,
Assistant Solicitor General**

The Court made the following:

ORDER: *(per the Hon'ble the Chief Justice Sri Raghvendra Singh Chauhan)*

The petitioner has challenged the legality of the order dated 08.10.2013, passed by the Armed Forces Tribunal, Regional Bench, Chennai, in M.A.No.59 of 2013 and O.A.No.57 of 2013, whereby the learned Tribunal has dismissed the Miscellaneous Application filed by the petitioner *inter alia* on the ground of delay and laches.

Mr. Namavarapu Rajeshwar Rao, the learned Assistant Solicitor General, has raised a preliminary objection with regard to the maintainability of the present petition *inter alia* on the ground that according to Section 30 of the Armed Forces Tribunal Act, 2007, any person aggrieved by an order passed by the learned Tribunal is required to file an appeal before the Hon'ble Supreme Court. Therefore, according to the learned Assistant Solicitor General, the writ petition is not maintainable before this Court.

The position taken by the learned Assistant Solicitor General has not been challenged by the learned counsel for the petitioner.

Therefore, this writ petition is dismissed as not maintainable before this Court. The petitioner shall be free to take recourse to the legal remedies available to him. There shall be no order as to costs.

As a sequel, miscellaneous petitions, pending if any, shall also stand dismissed.

(RAGHVENDRA SINGH CHAUHAN, CJ)

(A. ABHISHEK REDDY, J)

Date: 12.02.2020
va