

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10400 of 2018

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Ram Balak Sinha Son of late Jaleshwar Singh Resident of Village- Dharmraj,
P.O. Sughari, P.S. Bhagwanpur Hat, District- Siwan.

... .. Petitioner/s

Versus

1. The Union Of India and Ors
2. The Secretary, Department Ex Service Men Welfare, Ministry of Defence,
DPension/ Grievances, 227,
3. The Director, Directorate of Indian Army, Veterans DIAV, Adjutant General
Branch Integrated HQ of
4. Major, SRO, Sena Chikitsa Cops, Abhilekh Karyalaya, Army Medical Corps
Records Office, Pin - 900450

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha, Adv
For the Respondent/s : Mr. Awdesb Kumar Pandey, Adv

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 10-11-2022 Heard Mr. Binod Kumar Sinha, learned counsel

 appearing on behalf of the petitioner as well as learned counsel

 for the Union of Indian.

The present application has been filed for quashing of
order dated 05.12.2017 issued by the Respondent no. 4,
whereby claim of the petitioner for grant of service pension has
been rejected and further for a direction to make necessary
payment towards service pension and other pensionary benefits.

It is an admitted fact that the petitioner was appointed
as Sepoy on 14.10.1965 and after serving so many years, he
took voluntary retirement in August 1973, while he was posted



at 121FH 0C/0 56 unit the Ministry of Defence.

A counter affidavit has been filed by the union of India and the learned counsel by referring to Paragraph no. 19 of the affidavit submits that the present case falls under the jurisdiction of Armed Forces Tribunal as per section 3(0) of the Armed Forces Tribunal Act 2007 and as such any dispute pertaining to service matter of armed forces personnel have to be adjudicated by the Armed Forces Tribunal.

At this juncture, learned counsel for the petitioner submits that unfortunately the petitioner has died during the pendency of the present application and as such he seeks liberty for the legal heirs of the erstwhile employee to move before the Armed Forces Tribunal.

In view of the prayer made on behalf of learned counsel for the petitioner, liberty is granted to the legal heirs of erstwhile employee to approach the Armed Forces Tribunal, if, so advised.

Accordingly, the present writ application stands disposed of with the aforesaid observation.

N.K/-

(Harish Kumar, J)

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