

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22951 of 2018

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Gyandeo Prasad Singh Son of Late Dhanpati Prasad Singh Resident of
Village- Rajawar, P.S.- Rajoun, District- Banka.

... .. Petitioner/s

Versus

1. Union Of India and Ors.
2. Lieutenant General, Central Command, A.G.I. Bhawan Rao Tula Ram Marg,
Post Bag No. 14, P.S. Vasant
3. Lieutenant Colond, Artillery Centre, Nasik Road Camp, P.S,- Nasik Road,
District- Nasik, Maharastra
4. Principal, C.D.A Pensions Allahabad, P.S.- Draupad Ghat, Allahabad

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rahul Kumar Singh, Advocate
For the Respondent/s : Mr. Manoj Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 23-11-2022

Heard Mr. Rahul Kumar Singh, learned counsel
appearing on behalf of the petitioner and Mr. Manoj Kumar Singh,
learned counsel for the Union of India.

The petitioner, who was, appointed as a Sepoy
(Constable) on 28.08.1984 in the army, after due physical and oral
test and after having undergone training in various fields of the
defence arena, he was inducted in the artillery division of the army
and came to be known as gunner. During course of his service, the
petitioner fell ill and was referred to the army hospital, where the
doctors diagnosed that the petitioner was suffering from “solitary
seizure” and was unfit to serve the Indian Army.



At this juncture, learned counsel for the Union of India raises the preliminary objection with regard to the maintainability of the writ application and submits that after formation of Armed Forces Tribunal, under the Armed Forces Tribunal Act, 2007, the petitioner may be directed to approach before the said tribunal.

After some argument, the counsel for the petitioner seeks permission to withdraw this application with a liberty to move before the Armed Forces Tribunal.

It is needless to say that, if any application/petition would be filed before the Armed Forces Tribunal, the same shall be considered sympathetically, taking into account that the petitioner was, bonafidely, pursuing his remedy before this Court, since 2018.

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

(Harish Kumar, J)

shivank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.11.2022.
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