

Rifleman Sahil Kumar

.....Petitioner

Versus

Union of India and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**Present: Mr. G.S. Ghuman, Advocate,  
for the petitioner.Mr. Gaurav Pathak, Advocate,  
Central Government Counsel,  
for the respondents-UOI.**RAJBIR SEHRAWAT, J. (ORAL)**

This is a petition filed under Article 226 read with Article 227 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to quash the movement order dated 27.05.2014 regarding termination/dismissal from service, with a further prayer to consider the case of the petitioner for reinstatement of the petitioner into the military service along with all consequential benefits, including ante date seniority and full back wages.

A bare perusal of the order shows that the same has been passed under Section 20(3) of the Army Act read with Rule 17 of the Army Rules. Hence, the same shall be duly covered under the definition of service matter as provided in Section 3 of the Armed Forces Tribunal Act, 2007. Hence, the appropriate Forum for the present matter is the Armed Forces Tribunal. Not only this, the petitioner had earlier approached the Armed Forces Tribunal vide OA-426-2014 and had withdrawn the said application on 28.11.2017 with liberty to avail the remedy of appeal.

In view of the above, this Court does not find it appropriate to interfere in the matter. Hence, the same is dismissed.

However, the petitioner would be at liberty to avail his remedy before the Armed Forces Tribunal, but in accordance with the law.

**(RAJBIR SEHRAWAT)**  
**JUDGE**

**23.03.2022**  
*sandeep*

Whether Speaking/Reasoned : Yes/No  
Whether Reportable : Yes/No