

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

126+238

CWP-4988-2021 (O&M)
Date of Decision: 30.10.2023

Lekh Raj

...Petitioner

Versus

Union of India and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Abhimanyu Singh, Advocate for
Mr. Virendra Rana, Advocate for the petitioner

Mr. Amit Sharma, Central Govt. Counsel,
for Union of India-respondents

JAGMOHAN BANSAL, J. (Oral)

CM-12323-CWP-2023

Allowed as prayed for.

CM-12324-CWP-2023

Application preferred by respondents for placing on record written statement is allowed. The same is taken on record. Registry is directed to tag the same at appropriate place.

CM stands disposed of.

CWP-4988-2021

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of communication dated 11.06.2020 (Annexure P-1) seeking recovery of pension alleging that it was paid in excess of entitlement.

2. Learned counsel for the respondent, at the outset, submits that the petitioner was working with Indian Army and dispute is confined to entitlement of his pension. The case of the petitioner falls within the definition of 'Service Matters' as contemplated by Section 3(o) of The Armed Forces Tribunal Act, 2007.
3. Faced with this learned counsel for the petitioner prays that the matter may be transferred to Armed Forces Tribunal, Chandigarh Bench.
4. In the wake of statements of both sides, the petition along with pending application(s), if any, stand(s) transferred to Armed Forces Tribunal, Chandigarh Bench.
5. The Registry is directed to send complete record of the case to Armed Forces Tribunal, Chandigarh Bench.
6. Till the listing of matter before Armed Forces Tribunal, Chandigarh Bench, interim order dated 25.03.2021 passed by this Court shall remain in operation.

(JAGMOHAN BANSAL)
JUDGE

30.10.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>