

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7096 of 2023

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Jailal Singh Son of Rupdhari Paswan @ Rup Dhari Paswan, Discharged service Man of 1st Gorkha Rifels, Indian Army (No. - 5043082 Ex- Lnk LNK/Safaiwala), resident of Village - Paru Chaudhary Tola, P.S. - Paru, District - Muzaffarpur (Bihar).

... .. Petitioner/s

Versus

1. Union of India through Secretary (Pension), Ministry of defence, Government of India, New Dehi.
2. Chief Record Officer, Pension Department, Army Head Quarter, New Delhi.
3. Principal Controller of Defence Accounts (Pensions), Allahabad.
4. The Officer-in-charge, Records 14 Gorkha Rifles Subathu (Shimla Hilla) - 173206.
5. The Officer-In-Charge, Pension Group, Records 14 Gorkha Rifles Subathu (Shimla Hills) - 173206.
6. Hospital-in-charge, Sainik Aspatal, Military Hospital, Ahmedabad (Gujrat).

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjay Kumar @ S.K., Adv.
For the Respondent/s	:	Mr.Ram Tujabh Singh, CGC Mr. Radhika Raman, Adv.

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 05-05-2025 The matter has been listed under the heading For Orders (On Office Notes) with the defect regarding maintainability of the writ petition.

2. Learned Advocate for the Union of India referring to the defect pointed out by the Stamp Reporter submits that since the petitioner is an Army Personnel, he ought to approach before the Armed Forces Tribunal, Allahabad for redressal of his grievance.

3. At this stage, learned Advocate for the petitioner



seeks permission to withdraw the writ petition with liberty to approach before the concerned Tribunal. However, he submits that as the writ petition has been pending since 09.05.2023 prejudice would be caused to the petitioner if his case shall not be considered on merits on account of delay.

4. Considering the fair submission, the present writ petition stands dismissed as withdrawn with liberty to the petitioner to approach the Armed Forces Tribunal, Allahabad.

5. Suffice it to observe that the learned Tribunal shall consider the application for condonation of delay sympathetically taking note of the fact that the matter was pending since 09.05.2023, in view of Section 14 of the Limitation Act.

(Harish Kumar, J)

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