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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 1270/2025**

RAJ KUMAR MANDAL

.....Petitioner

Through: **Mr. Anuj Kumar Pandey and
Mr. Sanjeev Shankar, Advs.**

versus

UNION OF INDIA & ORS.

.....Respondents

Through: **None.**

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

31.01.2025

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CM APPL. 6287/2025 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. By way of the present petition, the petitioner prays for a direction to the respondents to grant premature discharge from military service to the petitioner with immediate effect so that the petitioner may join as an Assistant Teacher in West Bengal before the due date of 16.02.2025.

4. In our view, the present petition is not maintainable before this Court due to the availability of an alternate efficacious remedy in the



form of an application under Section 14 of the Armed Forces Tribunal Act, 2007 (in short, ‘the Act’). The dispute raised by the petitioner and relief claimed is a “Service Matters” as defined in Section 3(o)(ii) of the said Act, which reads as under:

“(o) “service matters”, in relation to the persons subject to the Army Act, 1950 (46 of 1950), the Navy Act, 1957 (62 of 1957) and the Air Force Act, 1950 (45 of 1950), mean all matters relating to the conditions of their service and shall include—

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- (ii) *tenure, including commission, appointment, enrolment, probation, confirmation, seniority, training, promotion, reversion, premature retirement, superannuation, termination of service and penal deductions;”*
(Emphasis supplied)

5. Section 14 of the Act vests jurisdiction in the Armed Force Tribunal to adjudicate disputes in relation to “all Service Matters” that are in relation to persons subject to *inter alia* the Army Act, 1950.

6. Therefore, for the claim raised by the petitioner in the present petition, the petitioner has an alternate efficacious remedy to approach the learned Armed Force Tribunal by way of an application under Section 14 of the Armed Force Tribunal Act. As an efficacious alternative remedy is available with the petitioner, we refuse to entertain the present petition which seeks to invoke the extra-ordinary discretionary jurisdiction of this Court under Article 226 of the Constitution of India.

7. The present petition is accordingly disposed of, reserving



liberty for the petitioner to avail of his remedies in accordance with law.

NAVIN CHAWLA, J

SHALINDER KAUR, J

**JANUARY 31, 2025
SU/KP**

[Click here to check corrigendum, if any](#)