

COURT NO. 1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

1.

OA 4049/2023

Ex Sgt Rajeev Kumar	Applicant
Versus		
Union of India & Ors.	Respondents

For Applicant	:	Mr. Prem Prakash, Advocate for Mr. Shiv Ram Singh, Advocate
For Respondents	:	Mr. K K Tyagi, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

O R D E R
18.01.2024

In view of the provisions of the Section 3(O) exclusion clause IV of the Armed Forces Tribunal Act, 2007 which reads as under:-

“ (iv) any other matter, whatsoever,
but shall not include matters relating to-

- (i) orders issued under section 18 of the Army Act, 1950 (46 of 1950), sub-section (1) of section 15 of the Navy Act, 1957 (62 of 1957) and section 18 of the Air Force Act, 1950 (45 of 1950); and
- (ii) transfers and postings including the change of place on unit posting whether individually or as a part of unit, formation or ship 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).
- (iii) leave of any kind;

(iv) Summary Court Martial except where the punishment is of dismissal or imprisonment for more than three months;”

2. The punishment in question, i.e., ‘suffered reprimand after Summary Trial’ is beyond the purview of jurisdiction of this Tribunal. On objections being raised by learned counsel for the respondents on the last date, we had requested learned counsel for the applicant to address us on the question of jurisdiction of this Tribunal. Today when the matter is taken up, learned counsel for the applicant on instructions makes a fair statement seeking permission to withdraw this application, with liberty to invoke the jurisdiction before the appropriate forum.

3. Considering the prayer, applicant is permitted to withdraw the present application with liberty to place it before the appropriate forum, Competent Authority or Court where grievance of the applicant can be adjudicated in accordance with law.

4. With the aforesaid, application stands disposed of.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[REAR ADMIRAL DHIREN VIG]
MEMBER (A)