

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

13.

**OA 2589/2023**

**Ex Flt CDT Aman Kumar**

**... Applicant**

**Versus**

**Union of India &Ors.**

**... Respondents**

**For Applicant**

**:** Shri Ajit Kakkar, Advocate

**For Respondents**

**:** Shri Neeraj, Sr. CGSC

**CORAM :**

**HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON**

**HON'BLE LT GEN C.P. MOHANTY, MEMBER (A)**

**O R D E R**

**11.09.2023**

Issue notice to the respondents. Shri Neeraj, learned Sr. CGSC appearing for the respondents accepts notice. Let counter affidavit be filed within six weeks. Rejoinder if any be filed within two weeks' thereafter.

2. Respondents may raise all their contentions in the counter affidavit. Even though the respondents have tried to indicate that in view of the provisions of Section 2 of the Air Force Act, the Air Force Act is not applicable to the applicant, this Tribunal has no jurisdiction. However, the decision rendered by a Full Bench of this Tribunal accepting the aforesaid proposition in the Army Act has been held to be not proper by the Delhi High Court and the matter has been remanded back to the Tribunal.

3. In view of the above, we are not inclined to dismiss the application on the aforesaid grounds. The respondents may raise their objections and explain us as to how the order of the Division Bench of the High Court will not be applicable.

3. List the matter again on 04.12.2023.

[RAJENDRA MENON]  
CHAIRPERSON

[C.P. MOHANTY]  
MEMBER (A)

/JYOTI/