

**COURT No.3, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

9.
OA 1304/2018

Lt Cdr Prem Nair (Retd)
Versus
Union of India & Ors

..... Applicant

..... Respondents

For Applicant

:Mr. L S Chaudhary, Advocate

For Respondents

:Mr. Anil Gautam, Advocate

Wg. Cdr Sunil Tripathi, OIC, Legal Cell

CORAM:

HON'BLE MS. JUSTICE SUNITA GUPTA, MEMBER (J)

HON'BLE LT. GEN. PHILIP CAMPOSE, MEMBER (A)

O R D E R
07.08.2018

Present OA has been filed by the applicant seeking grant of pension w.e.f. 01.09.2002 along with interest.

2. At the outset, learned counsel for the applicant has been asked to satisfy on the point of jurisdiction of this Tribunal to entertain the OA because as per Rule 6 of Armed Forces Tribunal (procedure) Rules, 2008, the application shall ordinarily be filed by the applicant with the Registrar of the Bench within whose jurisdiction; (i) the applicant is posted for the time being, or was last posted or attached; or (ii) where the cause of action wholly or in part, has arisen. The applicant has already retired and it is not stated in the OA that he was lastly posted at Delhi. As per the memo of parties, he is residing at Cochi. Learned counsel for the applicant submits that he is covered by clause (ii) as the cause of action has arisen at Delhi because he made representation to the competent authority. However, a perusal of the letter, which according to the applicant is his representation

appearing at page 27 (Annexure 3), goes to show that it has been addressed to Controller of Defence Accounts Navy 1, Mumbai and therefore, since the representation is not even addressed to Respondent No.1 or 2 at Delhi, therefore, the cause of action on the face of it, has not even arisen at Delhi.

3. Learned counsel however, seeks time to have instructions from the applicant.

4. Relist on **05.09.2018**.

(JUSTICE SUNITA GUPTA)
MEMBER (J)

(LT. GEN. PHILIP CAMPOSE)
MEMBER (A)

07.08.2018/Sp