

**IN THE ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

OA/173/10

LT COL YODHVIR SINGH

...APPLICANT

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

CORAM:

**HON'BLE SH. S.S.KULSHRESTHA, MEMBER
HON'BLE SH. S.S.DHILLON, MEMBER**

ORDER

Dated : 23.03.2010

Present: Sh. Rajiv Manglik, Advocate for the applicant.

Lt Col Naveen Sharma on behalf of the respondents.

This petition has been brought for quashing the GCM proceedings held at Hissar whereby the applicant was held guilty for the offence u/s.60 of the Army Act and the incident pertains to Hissar only. The officer is also posted at Srinagar. The jurisdiction of this court is resorted on the ground that a period of six months have elapsed and representation u/s.164 (2) of the Army Act is still pending with Union of India. Because of the pendency of that representation, this Tribunal is said to be court of competent jurisdiction as the part of the cause of action accrued here on account of the pendency of the representation. This part of the plea for resorting the jurisdiction of this court is resisted from the side of Union of India contending that even if it is assumed that the representation is pending before Union of India, it would not confer any right to the applicant to invoke the jurisdiction of this bench. At the most the grievance to the petitioner could be on the rejection of the representation ^aof the petitioner by the

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Union of India. In view of the arrangement made under Rule 6 of the Armed Forces Tribunal Procedure Rules, 2008 the jurisdiction of the Tribunal can be invoked when the (i) applicant is posted for the time being, or was last posted or affected, or (ii) where the cause of action, wholly or in part, has arisen. Here in this case except saying that the representation is pending with the Union of India, no part of cause of action has been arisen. *The application is dismissed as withdrawn with liberty to file a fresh before appropriate bench.*

S.S.DHILLON
(Member)

S.S. KULSHRESTHA
(Member)