

COURT NO. 3, ARMED FORCES TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

O.A. No. 196 OF 2010

IN THE MATTER OF :

Sh. Brijesh Kumar Singh

.....Applicant

VERSUS

Union of India & Others

.....Respondents

Dated: 01-04-2010

Present: Ms. Deepali Gupta, counsel for the Applicant.
Ms. Jyoti Singh, counsel for the Respondents.

Heard and perused the record.

By way of present application, Applicant has challenged the impugned order dated 04-01-2010 by which he has not been selected as an Airman by the Selection Board on medical grounds. Admittedly, at present Applicant has not become the subject to the Air Force Act. Section 2 of the Armed Forces Tribunal Act, 2007 specifically lays down that this Tribunal has only jurisdiction on the personnel subject to the Army Act, Navy Act and Air Force Act. Learned counsel for the Applicant states that matter is related to selection process and that should be seen in a wider sense and Applicant may be treated as subject to the Air Force Act.

We are not satisfied with the contention of the learned counsel for the Applicant. This Tribunal has no jurisdiction to entertain the present application. At this stage, learned counsel for the Applicant wants to withdraw the present application with the liberty to approach appropriate authority. Considering the submissions of the learned counsel for the Applicant and the facts of the case, present application is dismissed as withdrawn with the liberty to the Applicant to take legal recourse as admissible. With these observations, application stands disposed of. File be consigned to the Record Room. Copy of order be given Dasti as prayed.

MANAK MOHTA,
(Judicial Member)

Z.U. SHAH,
(Administrative Member)

Dated: 01-04-2010