

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

**O.A NO. 601 OF 2010
WITH
M.A NO. 364 OF 2010**

SEP. MOHAN CHANDRA MUNDA

....APPLICANT

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

CORAM:

**HON'BLE MR. JUSTICE S.S.KULSHRESTHA, MEMBER
HON'BLE LT.GEN. S.S.DHILLON, MEMBER**

**ORDER
08.10.2010**

Present: Mr. Parthapratim Chaudhuri, Advocate for the applicant
Mr. Ajai Bhalla, Advocate with Capt. Alifa Akbar for
Respondents

Jurisdiction of this Bench is resorted as the accused-appellant is in Jail and the Rules do not take care of such eventuality. Normally appeal lies to the Tribunal/Court within whose jurisdiction the Court Martial took place. But Rule 6(2) of the Armed Forces Tribunal (Procedure) Rules, 2008 takes care in the matter of 'a person who has ceased to be in service by reason of his retirement, dismissal, discharge, cashiering, release, removal, resignation or termination of service may, at his option, file an application with the Registrar of the Bench within whose

jurisdiction such person is ordinarily residing at the time of filing of the application.' The learned counsel for the applicant desires to withdraw the O.A with liberty to file fresh petition before the appropriate forum. The O.A is, therefore, dismissed as withdrawn with liberty to file fresh petition before the appropriate forum.

S.S.DHILLON
(MEMBER)

S.S.KULSHRESTHA
(MEMBER)