

(4)

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

**O.A. No. 69 OF 2010**

**IN THE MATTER OF :**

**Chandan Sah**

**.....Applicant**

**VERSUS**

**Union of India & Ors.**

**.....Respondents**

**Dated: 01-04-2010**

Present: Mr. S.K. Mishra, counsel for the Applicant.  
Mr. Ankur Chhibber, counsel for the Respondents.

Heard and perused the record as well as order of Hon'ble Delhi High Court dated 14-12-2009.

By way of present application, Applicant has sought direction with the regard to the appointment to the post of Lower Division Clerk with the Respondents. We have heard both sides. Learned counsel for the Applicant failed to explain how Applicant will be governed by the Army Act even after selection. We are of the opinion that even after selection, Applicant will not become subject to the Army 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. The Section 2 reads as under :

***2. Applicability of the Act – (1) The provisions of this Act shall apply to all persons subject to the Army Act, 1950 (46 of 1950), the Navy Act, 1957 (62 of 1957) and the Air Force Act, 1950 (45 of 1950).***

***(2) -----***

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Therefore, this Tribunal has no jurisdiction to entertain the present application. Section 2 of the Armed Forces Tribunal Act, 2007 was not highlighted.

At this stage, learned counsel for the Applicant wants to withdraw the present application with 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the submissions of the learned counsel for the Applicant and the facts of the case, present application is dismissed as withdrawn with the liberty to the Applicant to take legal recourse as admissible.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.

**MÁNAK MOHTA,**  
**(Judicial Member)**

**Z.U. SHAH,**  
**(Administrative Member)**

**Dated: 01-04-2010**