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COURT NO. 2, ARMED FORCES TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
O.A. No. 333 OF 2011

IN THE MATTER OF :

Raghvendra Singh Pundir

.....Applicant

VERSUS

Union of India & Ors.

.....Respondents

Dated: 30.08.2011

Present: Dr. Sandeep Singh, counsel for the Applicant

Mr. Ajai Bhalla, counsel for the Respondents with
Wg Cdr Ashish Tripathi

Heard and perused the record.

From the perusal of record, it reveals that applicant has not yet become subject as per Section 2 of the Air Force Act, 1950 and as per Note 6.6 approved by the Government of India which is reproduced as under :

"Flight Cadets cannot be considered as employed by, or are in the service of, or are followers of, or accompanying any portion of the AF merely because they are undergoing training in an AF Unit"

Learned counsel for the applicant in this respect states that vide letter dated 20.12.2010, applicant has been selected for grant of Short Service Commission in the Flying branch of Indian Air Force. But yet he has not completed his training period. Secondly, the question of territorial jurisdiction is also raised by the learned counsel for the

Respondents. In the original application, the resident address of the applicant is shown at Meerut, U.P. and cause of action also arose in Hyderabad. Learned counsel for the applicant in this respect submits that at present applicant is residing at New Delhi. However no documentary proof pertaining to applicant residing at New Delhi has been annexed with the application. Thirdly, before approaching this Tribunal, applicant has not filed any representation or complaint to the concerned authority against his grievance and has not exhausted remedy available to him.

At this stage, learned counsel for the applicant wants to withdraw the present application with liberty to file the same before the appropriate authority and also submits that he may be permitted to file representation if thinks so necessary.

Considering the facts of the case and above submissions, the present application is dismissed as withdrawn with aforesaid liberty. He is also free to move representation to the concerned authority if so desires. Application stands disposed of accordingly. File be consigned to Record Room. No order as to costs.

M.L. NAIDU
(Administrative Member)

Dated: 30.08.2011
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MANAK MOHTA
(Judicial Member)