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COURT NO. 2, ARMED FORCES TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
O.A. No.500 of 2011

IN THE MATTER OF:

Prem Kumar

.....Applicant

VERSUS

Union of India & Ors.

.....Respondents

Dated: 11.04.2012

Present: Mr. Bimlesh Kumar, counsel for the applicant.
Mr. Ankur Chibber, counsel for the respondents.

Heard and perused the record.

During the course of arguments, learned counsel for the respondents raised a serious objection stating that firstly this Court has no jurisdiction to entertain this O.A. as it is not related to the service matter as mentioned in AFT Act, 2007, nor the applicant can be treated subject in this respect. He further states that secondly the applicant has already availed the remedy before the Central Administrative Tribunal and Hon'ble Delhi High Court with regard to the same relief and in this way as per constructive res judicata he is debarred to raise this issue before this Tribunal.

Learned counsel for the applicant, at this stage, wishes to withdraw this O.A. with liberty to approach the appropriate forum. Considering the submissions made by the parties, without commenting on the merits of

the case, as the applicant wishes to withdraw this case, O.A. is dismissed as withdrawn. No orders as to costs.

M.L. NAIDU
(Administrative Member)

MANAK MOHTA
(Judicial Member)

Dated: 11.04.2012
rsk