

IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

01.

O.A. No. 78 of 2012

Subhash Singh

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

For petitioner: Mr. Basant Singh Chauhan, Advocate.

For respondents: Mr. Mohan Kumar, Advocate.

CORAM:

HON'BLE MR. JUSTICE A.K. MATHUR, CHAIRPERSON.

HON'BLE LT. GEN. S.S.DHILLON, MEMBER.

ORDER

12.03.2012

Heard learned counsel for the petitioner.

By virtue of provision under Section 3 (o) (iv) (ii) of The Armed Forces Tribunal Act 2007, the petitioner seeks to go back to his regiment for the reasons mentioned by him in the petition. That cannot be entertained by this Tribunal by virtue of prohibition already contained in the aforesaid provision which reads as under;

"3. (o) (iv) (ii)

but shall not include matters relating to-

(ii) transfers and postings including the change of place or unit on posting whether individually or as a part of unit, formation or ship in relation to the persons subject to the Army Act, 1950 (45 of 1950), the Navy Act, 1957 (62 of 1957) and the Air Force Act, 1950 (45 of 1950)"

Therefore, in these circumstances, this petition for transfer cannot be entertained. Consequently same is dismissed.

A.K. MATHUR
(Chairperson)

S.S. DHILLON
(Member)

New Delhi
March 12, 2012
mk