

IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

2.

MA 940/2015

In OA (Appeal) 808/2015

Ex Cdr Shashi Kumar

.....Petitioner

Versus

UOI & Ors.

.....Respondent

For petitioner : None.

For respondents : Mr Ankur Chhibber, Advocate

CORAM:

HON'BLE MR. JUSTICE PRAKASH TATIA, CHAIRPERSON.

ORDER

24.11.2015

MA 940/2015 has been filed by the petitioner and petitioner prayed that petitioner's OA (Appeal) 808/2015 may be heard by the Principal Bench of the Tribunal. According to the petitioner he is challenging the findings and sentence of the Court Martial proceedings which was held within the territorial jurisdiction of the Kochi Bench of the Tribunal. The petitioner's contention is that he is resident of the Ghaziabad District which falls within the territorial jurisdiction of the Lucknow Bench of the Tribunal. According to the petitioner an objection was raised by the Respondent with respect to the territorial jurisdiction of the Principal Bench of the Tribunal, therefore, the petitioner has moved application (MA 856/2015). However, in said MA 856/2015 the copy of the order passed by Court No.2 of the Principal Bench of the Armed Forces Tribunal, New Delhi in petitioner's OA was not placed on record. Therefore, in MA 856/2015 petitioner was directed to submit the copy of the order passed in OA (Appeal) 808/2015 by the Bench of Court No.2. The petitioner, therefore, filed this another MA 940 of 2015 and has annexed the copy of the order dated 12.10.2015 passed in OA (Appeal) 808/2015. According to petitioner, petitioner's OA (Appeal) 808 of 2015 may be heard and decided by the Principal Bench of the Tribunal in view of the extreme hardship which petitioner may suffer in case the petitioner's OA is transferred to the Kochi Bench of the Tribunal or Lucknow Bench of the Tribunal.

2. Looking to the facts of the case and hardship to the petitioner it is ordered that the petitioner's OA (Appeal) 808/2015 shall be deemed to have been transferred to the Principal Bench of the Tribunal for deciding in accordance with law. MA 940/2015 is allowed and in the light of this order MA 856/2015 shall stand disposed of. Copy of this order be annexed in OA (Appeal) 808/2015.

**(PRAKASH TATIA)
CHAIRPERSON**

Dated : 24.11.2015/mlb