

COURT No.1,  
ARMED FORCES TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

13.

AT 9/2019 in OA 1586/2018(PB New Delhi)

Ex.Signalman Prabhat Ranjan Srivastav ..... Applicant

Versus

Union of India & Ors. .... Respondents

For Applicant : Ms. Shahrurh Alam, Advocate and  
Mr. Kshatrshal Raj, Advocate

For Respondents : Mr. J.S.Rawat, Advocate

CORAM:

HON'BLE MR. JUSTICE VIRENDER SINGH, CHAIRPERSON

ORDER

15.02.2019

Since MA 710/2019 is disposed of vide detailed order of even date  
whereby the said application stands allowed, the instant application also  
stands allowed as prayed for.

(VIRENDER SINGH)  
CHAIRPERSON

15.02.2019/nk

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It needs to be mentioned here that OA 1586/2018 was dismissed for non-prosecution by the Regular Bench vide order dated 24.09.2018. It is thereafter, the applicant moved MA 1722/2018 for restoration of the OA which was taken up for its consideration on 25.10.2018 on which date, an objection was raised by the counsel for the respondents with regard to the jurisdiction to entertain the OA. It is at that stage, counsel for the applicant sought time to move an appropriate application for grant of permission to entertain the OA at AFT, PB. The said application No. 1722/2018 for restoration of OA is now posted for **18.02.2019**.

2. When, after looking at the OA 1586/2018 which is tagged with the instant MA filed under Rule 6 of the AFT (Procedure) Rules, 2008 for grant of permission to file the original application at PB, a pertinent query was put to counsel for the applicant as to whatever is asserted in the instant application has also been averred in the OA, counsel for the applicant fairly admitting that aspect states that she will be moving a formal application for the same before the appropriate Bench in the event of the instant application for entertaining the OA at PB is allowed. She states that even otherwise, the applicant had put the respondents to the legal notice for redressal of his grievance only from Delhi when he was taking care of his wife for the treatment of cancer and that the action taken on the legal notice, may be adverse, was also communicated to

him at Delhi. Counsel further states that she without entering into all that aspect simply prays that since the main matter has already been registered by the Registry of AFT , PB by allotting its regular number and considered also at one state by the Regular Bench on 25.10.2018 when the respondent had raised an objection to entertain the OA on certain grounds reflected in the order dated 25.10.2018 for which the applicant was granted permission also to move an application under Rule 6 of rules (short procedure rules). Coupled with the fact that the original jurisdiction is lying with AFT, RB Kolkata which bench is normally not available and is not likely to be available after 10.3.2019 when Member (A) would be demitting the office, causing great hardship to the applicant, it may be heard at Principal Bench.

3. The instant application which is opposed by counsel for the respondents stating that the applicant wants to usurp the jurisdiction.

4. Keeping in view the totality of the facts and circumstances of the case, the instant application deserves to be allowed as prayed for.

5. Let OA 1586/2018 (already registered) and once considered also by the appropriate Bench as indicated herein above be entertained at PB only so as to avoid any issue of territorial jurisdiction.

6. Registry is directed to place the main file before the appropriate Bench on 18.2.2019, the date already fixed.

7. MA stands disposed of accordingly.

(VIRENDER SINGH)  
CHAIRPERSON

15.02.2019/nk