

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

1.

AT 6/2024 IN OA 436/2020 (PB)

JWO Surendra Singh	Applicant
Versus		
Union of India & Ors.	Respondents

For Applicant	:	Mr. Anil Srivastava, Advocate
For Respondents	:	Mr. Y P Singh, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON

ORDER
19.01.2024

AT 6/2024

This application has been filed under Section 27 of the Armed Forces Tribunal Act, 2007, seeking transfer of OA 436/2020 from Principal Bench, New Delhi to Armed Forces Tribunal, Regional Bench, Lucknow on the ground that after his discharge the applicant has now settled within the territorial jurisdiction of Lucknow Bench and it will be more convenient for him in case the matter is heard at the Regional Bench, Lucknow. Learned counsel for the respondents has raised an objection by contending that as the case is listed for final hearing, it need not to be transferred.

2. On two counts I disagree with the submissions made by the learned counsel for the respondents. First, in the light of the Full Bench judgment of this Tribunal in the case of Capt

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G. Vivekanand Vs. Union of India and Ors. (OA 460/2015 decided on 11.09.2015), wherein, it has been clearly held that a liberal interpretation of Section 27 and Rule 6 is required and the primary choice should be given to the applicant to choose the territorial jurisdiction of a Bench. In Section 27, it is clearly stipulated that the convenience of the applicant should be given paramount consideration for hearing of a matter at his place of residence. That apart, judicial notice can be taken note of the fact that more than 6,500 cases are pending in the Principal Bench and the Principal Bench is clogged with large number of cases due to non-availability of Judicial Member and only two Courts are working. Taking note of all these circumstances, the transfer application is allowed.

3. The Registry (PB) is directed to ensure that the entire records of OA No.436/2020, in original, are remitted to the transferee Regional Bench at Lucknow.

4. The AT stands disposed of.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

Neha
AT 6/2024

