

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

38.

OA 4603/2024

Nk MT Mari Muthu J Applicant
thru his wife Smt Pandi Meena
Versus
Union of India & Ors. Respondents
For Applicant : Mr. Durgesh Kumar Sharma, Advocate
For Respondents : Dr. V.S. Mahndiyan, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE MS. RASIKA CHAUBE, MEMBER (A)

ORDER
08.11.2024

OA 4603/2024

Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007, the applicant has filed this application and the relief claimed in Para 8 reads as under:

“(a) To direct the respondent No.3 thereby application of applicant dated 25.03.2024 for setting aside four punishment awarded by Officer Commanding (Respondent No.5) be disposed of within a period of 2 months in the interest of justice.

(b) To direct the respondents thereby copies of charge sheets along with other relevant documents in respect of all four charges be provided to applicant in the interest of justice.

(c) To pass such further order or orders, direction/directions as this Hon'ble Tribunal may deem fit and proper in accordance with law.”

2. The impugned order of punishment has been passed against the applicant on the basis of a matrimonial dispute and a complaint filed against him and the entire action has been taken based on a Summary Trial/Summary Court Martial conducted against him.

3. A preliminary objection is raised by the respondents to say that the punishment order against the applicant was imposed after the Summary Trial/Summary Court Martial and the jurisdiction of this Tribunal as detailed in the Armed Forces Tribunal Act, 2007 with regard to service matters does not permit taking cognizance of the matter and it is argued that this Tribunal has no jurisdiction to deal with the matter.

4. Having heard learned counsel for the parties, we find that the Armed Forces Tribunal Act, 2007 empowers this Tribunal to deal with the disputes that come within the purview of service matters as are defined in Section 3(o) of the Act and Section 14 of the Act confers jurisdiction to this Tribunal to deal with all service matters as are defined under the Act. The service matters are defined as under:

“(o) “service matters”, in relation to the persons subject to the Army Act, 1950 (46 of 1950), the Navy Act, 1957 (62 of 1957) and the Air Force Act, 1950 (45 of 1950), mean all matters relating to the conditions of their service and shall include-

- (i) remuneration (including allowances), pension and other retirement benefits;
- (ii) tenure, including commission, appointment, enrolment, probation, confirmation, seniority, training, promotion, reversion, premature retirement, superannuation, termination of service and penal deductions;
- (iii) summary disposal and trials where the punishment of dismissal is awarded;
- (iv) any other matter, whatsoever,

but shall not include matters relating to-


- (i) orders issued under section 18 of the Army Act, 1950 (46 of 1950), sub-section (1) of section 15 of the Navy Act, 1957 (62 of 1957) and section 18 of the Air Force Act, 1950 (45 of 1950); and
- (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 (46 of 1950), the Navy Act, 1957 (62 of 1957) and the Air Force Act, 1950 (45 of 1950).
- (iii) leave of any kind;
- (iv) Summary Court Martial except where the punishment is of dismissal or imprisonment for more than three months;”

5. From the aforesaid, it is seen that the punishment imposed after Summary Trial comes within the purview and jurisdiction of this Tribunal only if the punishment is of dismissal from service or imprisonment for more than three months. All other punishments imposed after Summary Trial/Summary Court Martial is beyond the purview of this Tribunal. In the present case, the punishment imposed after

the Summary Trial/Summary Court Martial is that of censure and it is neither dismissal nor imprisonment for more than three months. That being so, this Tribunal does not have the jurisdiction to deal with this matter.

6. Accordingly, the preliminarily objection raised by the respondents is upheld and the OA is dismissed with liberty to the applicant to take recourse to such remedy as may be available under law.

7. No order as to costs.


[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[RASIKA CHAUBE]
MEMBER (A)

Neha
OA 4603/2024