

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

88.

MA 3146/2025 IN OA 2203/2025

Wg Cdr Tejbir Singh		Applicant
Versus		
Union of India & Ors.		Respondents

For Applicant	:	Ms. Muskaan Dutta, Advocate for Mr. Ankur Chhibber, Advocate
For Respondents	:	Mr. Anil Gautam, Sr. CGSC

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
29.07.2025

MA 3146/2025

It is stated by learned counsel for the applicant that the applicant had filed this application in OA 2203/2025 under section 14 of Armed Forces Tribunal Act and called in question the tenability of certain action which according to the applicant does not come within the definition of "service matter". On the contrary, it comes within the purview of the exclusion clause as contained in Section 3(o)(iii) of the Armed Forces Tribunal Act pertaining to leave of any kind and as such the jurisdiction to deal with the matter is not available before this Tribunal. In view of the aforesaid position, learned counsel has moved this application seeking permission to withdraw the application and invoke the jurisdiction of the appropriate Court (High Court) which has jurisdiction in the matter. Accordingly seeking withdrawal of the application along with the aforesaid liberty, this MA has been filed.

2. Taking note of the same, the MA is allowed. The OA is permitted to be withdrawn with the liberty as prayed for. Dismissed as withdrawn.
3. A copy of this order be provided DASTI to learned counsel for both the parties.


[JUSTICE RAJENDRA MENON]
CHAIRPERSON


[REAR ADMIRAL DHIREN VIG]
MEMBER (A)

Jyoti