

ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOCHI

O.A.NO.29 OF 2012

FRIDAY, THE 24TH DAY OF FEBRUARY, 2012/5TH PHALGUNA, 1933

CORAM:

HON'BLE MR. JUSTICE A.C.ARUMUGAPERUMAL ADITYAN, MEMBER (J)

HON'BLE LT.GEN.THOMAS MATHEW, PVSM, AVSM, MEMBER (A)

T. GHEEVARGHESE, 88 YEARS,
S/O.T.O. THOMAS, EX NAIK, SERVICE NO.6981023,
CORPS OF ELECTRICAL AND MECHANICAL ENGINEERING,
THOTTATHIL PUTHENPURAYIL, THOLASSERY,
THIRUVALLA, THIRUVALLA P.O.
PIN 689 101.

APPLICANT:

BY ADV. SRI. LAL K. JOSEPH

versus

1. UNION OF INDIA, REPRESENTED BY
THE SECRETARY TO THE DEFENCE DEPARTMENT,
EXSERVICEMEN WELFARE, NEW DELHI – 110 011.

RESPONDENTS:

2. PRINCIPAL CONTROLLER OF DEFENCE ACCOUNTS (PENSIONS),
DRAUPATHI GHAT, ALLAHABAD – 211 002.
3. THE OFFICER IN CHARGE,
ELECTRICAL AND ENGINEERING RECORDS,
SECUNDERABAD – 21.
4. DEFENCE PENSION DISBURSEMENT OFFICER,
KOTTAYAM, 686 004.
5. THE OFFICER IN CHARGE,
OFFICE OF THE CONTROLLER OF DEFENCE ACCOUNTS,
CHENNAI - 600 001.

R1 TO R5 BY SR. PANEL COUNSEL SRI. S. KRISHNAMOORTHY.

ORDER

A.C.A.Adityan, Member (J):

This application comes under the caption 'for withdrawal'. The learned counsel appearing for the applicant is present at 1 PM and argued and not prepared to withdraw the case. The relief asked for in this application is to declare that the date of birth of the applicant is 9.8.1924, which is not maintainable under the provisions of Armed Forces Tribunal Act, 2007. Under Section 9 of the C.P.C., the remedy open to the applicant is to approach a civil court in respect of the relief asked for in this application. Under such circumstances, the application is dismissed as not maintainable before this Tribunal.

Sd/-

LT. GEN. THOMAS MATHEW,
MEMBER (A)

DK.

Sd/-

JUSTICE A.C.A. ADITYAN,
MEMBER (J)

(True copy)

Prl. Private Secretary

ARMED FORCES TRIBUNAL,
REGIONAL BENCH, KOCHI.

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ORDER

DATED: 24.02.2012