

ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOCHI

**O.A.No.44 of 2011 and I.A.Nos.117/2011,
167/2011 & 196/2011**

THURSDAY, THE 23RD DAY OF FEBRUARY, 2012/4TH PHALGUNA, 1934

CORAM:

HON'BLE MR. JUSTICE A.C.ARUMUGAPERUMAL ADITYAN, MEMBER (J)
HON'BLE LT. GEN. THOMAS MATHEW, PVSM, AVSM, MEMBER (A)

MAJOR PREMJI ANAND.J.J, I.C-No.60727P,
S/O.R.JONY MOSES, AGED 31 YEARS,
POSTED AT No.3, KARNATAKA,
NCC BATTALION RACE ROAD,
BANGALORE-1.

RESIDING AT ANAND VIHAR,
POOVAR ROAD, NEYYATTINKARA,
THIRUVANANTHAPURAM DISTRICT
KERALA STATE.

APPLICANT

BY ADV. SRI.M.V.THAMBAN.

VERSUS

1. UNION OF INDIA, REPRESENTED
BY THE SECRETARY
MINISTRY OF DEFENCE,
NEW DELHI-11.

RESPONDENTS

2. THE CHIEF OF ARMY STAFF,
ARMY HEAD QUARTERS (SENA BHAVAN),
NEW DELHI-11.
3. THE GENERAL OFFICER COMMANDING-IN-CHIEF
HEADQUARTERS, WESTERN COMMAND,
PIN-908 543, C/O.56 APO.
4. THE CONTROLLER OF DEFENCE ACCOUNTS (OFFICERS)
GOLIBAR MAIDAN, PUNE-1.
5. BISMI.S.PRAKASH,
D/O.S.G.PRAKASH,
RESIDING AT "HIMANI", R.C. STREET
NEYYATTINKARA P.O.,
THIRUVANANTHAPURAM DISTRICT.

ORDER

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

This application is to set aside the order of maintenance granted by 3rd respondent under Annexure-A7.

We heard the learned counsel appearing for the applicant. When it was brought to the notice of the learned counsel appearing for the applicant that the applicant has not exhausted the statutory remedies by way of challenging the impugned order under Annexure-A7 vide letter No.0420/344/DV-3 dated 25/2/2011 emanating from the 3rd respondent, before a competent authority and that the application is hit under Sec.21 of the Armed Forces Tribunal Act, 2007, the learned counsel has come forward to withdraw this application with a liberty to challenge the impugned order before the competent authority. An endorsement has been made to that effect. Under such circumstances, this application is dismissed as withdrawn with a liberty to approach the competent authority to challenge the impugned order under Annexure-A7. No costs.

The connected I.As, i.e., I.A.Nos.117/2011, 167/2011 & 196/2011 are closed.

Sd/-
LT.GEN.THOMAS MATHEW
MEMBER (A)
mds/

Sd/-
JUSTICE A.C.A.ADITYAN
MEMBER (J)

(True copy)

Private Secretary