

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW
Court No. 1 (Sl. No. 23)

O.A. No. 799 of 2024 with M.A. No. 898 of 2024

Brig Sukumar Vinod (Retd) Applicant
By Legal Practitioner for the Applicant : Shri Vinay Pandey, Advocate
Shri Shashi Kant Chaturvedi, Advocate

Versus

Union of India & Others Respondents
By Legal Practitioner for Respondents : Dr. Shailendra Sharma Atal, Advocate

Notes of the Registry	Orders of the Tribunal
	<p><u>23.01.2025</u> <u>Hon’ble Mr. Justice Anil Kumar, Member (J)</u> <u>Hon’ble Vice Admiral Atul Kumar Jain, Member (A)</u></p> <p>1. On the case being taken up for hearing Shri Vinay Pandey, Ld. Counsel for the applicant and Dr. Shailendra Sharma Atal, Ld. Counsel for the respondents are present.</p> <p>2. This Original Application has been filed by the applicant for grant of disability element of disability pension.</p> <p>3. Preliminary objection has been filed by the respondents regarding bar of territorial jurisdiction of this Tribunal to entertain this Original Application.</p> <p>4. Applicant has filed reply to the objection of the respondents and notarised rent agreement dated 18.09.2024 is also annexed with it.</p> <p>5. Heard learned counsel for the parties and perused the record.</p> <p>6. Learned counsel for the applicant submits that after superannuation, applicant is residing in Noida (UP) and therefore, this Original Application is maintainable before this Tribunal.</p> <p>7. Learned counsel for the respondents submits that applicant is resident of Bangalore (Villa No. 50, Pocket-5, Vasant Vihar (AWHO Colony) Vidya Nagar Cross, Bellary Road, Chikjala, Bettahalsur, Bangalore (Karnataka) and no part of cause of action has arisen within jurisdiction of this Tribunal. Therefore, vide Rule 6 of Armed Forces Tribunal (Procedure) Rules 2008, this Original Application is not maintainable.</p> <p>8. Rule 6 of AFT (Procedure) Rules 2008 provides place of filing of Original Application which is as follows :-</p> <p><i>“6. Place of filing application. – (1) An application shall ordinarily be filed by the applicant with the Registrar of the Bench within whose jurisdiction –</i></p> <p><i>(i) the applicant is posted for the time being, or was last posted or attached;</i></p> <p><i>or</i></p>

	<p><i>(ii) where the cause of action, wholly or in part, has arisen:</i></p> <p><i>Provided that with the leave of the Chairperson the application may be filed with the Registrar of the Principal Bench and subject to the orders under section 14 or section 15 of the Act, such application shall be heard and disposed of by the Bench which has jurisdiction over the matter.</i></p> <p><i>(2) Notwithstanding, anything contained in sub-rule (1), a person who has ceased to be in service by reason of his retirement, dismissal discharge, cashiering, release, removal, resignation or termination of service may, at his option, file an application with the Registrar of the Bench within whose jurisdiction such person is ordinarily residing at the time of filing of the application.”</i></p> <p>9. Admittedly, applicant has superannuated from service and his last posting was not within the jurisdiction of this Tribunal.</p> <p>10. There is nothing on record to show that till now cause of action wholly or in part has arisen within the jurisdiction of this Tribunal.</p> <p>11. As regards, place of residence of the applicant after superannuation, in array of parties, affidavit filed with Original Application and delay condonation application it is mentioned as Bangalore (Karnataka).</p> <p>12. In Para 2 of the Original Application, it is mentioned that on date of filing of the Original Application (13.08.2024), applicant was residing in Noida (UP) but no address proof/documents has been filed with the Original Application regarding residence of applicant in Noida.</p> <p>13. In reply filed today before this Bench on behalf of the applicant, a notarised rent agreement has been filed. Perusal of reply shows that it is not signed by counsel of the applicant and signature of the applicant on rent agreement and affidavit apparently differ from his signature on Original Application and affidavit annexed with Original Application and delay condonation application.</p> <p>14. This Original Application has been filed on 13.08.2024 and period of agreement mentioned in rent agreement annexed with reply is from 01.10.2024 to 31.08.2025 and it does not cover period when the Original Application was filed. Date of execution on rent agreement is also 18.09.2024.</p> <p>15. There is no sufficient material on record to show that at the time of filing of Original Application, applicant was residing within the jurisdiction of this Tribunal. We are of the view that due to want of territorial jurisdiction, this Original Application is not entertainable before this Tribunal for adjudication. Accordingly, Original Application is dismissed as not entertainable due to bar of territorial jurisdiction of this Tribunal.</p> <p>16. Applicant is at liberty to approach appropriate forum for redressal of his grievance.</p> <div><div>(Vice Admiral Atul Kumar Jain) Member (A)</div><div>(Justice Anil Kumar) Member (J)</div></div>
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