
(2019) 08 AFT CK 0037
In the Armed Forces Tribunal
Case No : Original Application No. 912 Of 2018

M. Balasubramanian

APPELLANT

Vs

Union Of India And Others

RESPONDENT

Date of Decision : 21-08-2019

Acts Referred:

Citation : (2019) 08 AFT CK 0037

Hon'ble Judges : Sunita Gupta, J; Philip Campose, Member (A)

Bench : Division Bench

Advocate : S.S. Pandey, Harish V. Shankar, Rati Varma

Final Decision : Disposed Of

Judgement

1. Heard the learned counsel for the parties.

2. By way of present OA, the applicant has prayed for the following reliefs :

(a) Call for the Records including the instructions based on which the Respondents have cancelled the Option of the Applicant, recovered the pay and allowances which was revised based on his option and his option was declared as time barred and thereafter quash the same.

(b) Direct the Respondents to treat the option within time, revise his basic and restore the part -II order with further direction to revise his basic pay as

per 6th pay commission from the date of his promotion on 29.01.2007 and thereafter grant him all monetary benefits on that basis by revising his pay

and other benefits with further direction to refund the amount illegally deducted alongwith any other arrears with a penal interest of 18% from the date

of such payment was due till realization.

(c) Pass any other order/ orders as deemed appropriate by this Hon'ble Tribunal in the facts and circumstances of the present case.

3. Learned counsel for the respondents has opposed the maintainability of the OA on the ground of territorial jurisdiction. Moreover, there is no

impugned order. It is further submitted that before filing the present OA, neither any representation nor any appeal was preferred by the applicant and,

therefore, before exhausting statutory remedies, the OA is premature.

4. Since large number of OAs have been filed before the Tribunal on this issue, therefore, for the time being, we are leaving the issue of jurisdiction

open. One thing is clear that before filing the OA, either no representation was made by the applicant or if made, same was not disposed of.

Therefore, it will be desirable that the OA be treated as redressal of grievances by the Competent Authority, which will dispose of the rederssal of

grievances in the light of the judgment dated 10.12.2014 passed in O.A. No. 113 of 2014 titled Sub Chittar Singh and others Vs. Union of India & Ors.

and judgment dated 09.12.2016 in O.A. No. 1610 of 2016 titled Sub Sadeesh Kumar Vs. Union of India & Ors. passed by the Principal Bench of

AFT.

5. In case, the applicant is entitled for the relief(s) in the light of the aforesaid judgments, same be granted to him, otherwise a speaking order be

passed within a period of six months from the date of receipt of copy of the order, which be communicated to the applicant.

6. In case the applicant still feels aggrieved by the order so passed, he will be at liberty to take legal recourse at appropriate Forum.

7. The respondents are also at liberty to take appropriate objection including jurisdiction in case any subsequent proceedings are initiated by the applicant.

8. In view of the foregoing, OA stands disposed of.

9. Copy of this order be given â??Dasti! to the learned counsel for the parties.