
(2021) 07 AFT CK 0024

In the Armed Forces Tribunal

Case No : OA 329 Of 2021 WITH MA 399 Of 2021

Sub Manoj Kumar

APPELLANT

Vs

Union of India & Ors

RESPONDENT

Date of Decision : 23-07-2021

Acts Referred:

Armed Forces Tribunal Act, 2007 — Section 3(o), 14

Citation : (2021) 07 AFT CK 0024

Hon'ble Judges : Rajendra Menon, Chairperson (J); P.M. Hariz, Member (A)

Bench : Division Bench

Advocate : Archana Ramesh, Capt Karan Singh Bhati

Final Decision : Dismissed

Judgement

1. Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007, the applicant has filed this application seeking

the following reliefs in para 8 of the application:

â??A. Issue directions to the respondents to respond to the RTI application by informing the applicant the cut off marks, marks scored by the applicant and all other details as asked vide letter dated 01 Sep 2018 expeditiously to meet the ends of justice.

B. Pass such other and further orders to the respondents by way of an adequate exemplary compensation in the attendant genuine circumstances of the case, to meet the ends of justice.â??

2. The facts in nutshell indicate that the son of the applicant one Sh. Vishal Yadav had appeared for recruitment examination at Bengal Engineer

Group Centre, Roorkee on 29th July, 2018 under the UHQ quota for the trade of soldier clerk/SKT. It is stated that the Â

applicant being a brilliant student and having prepared well for the aforesaid recruitment examination had done extremely well, but to his surprise, when the results were declared he is said to have been failed. Feeling disappointed and aggrieved, the applicant had filed an application under the Right to Information Act (RTI Act) at the BEG Centre on 1st September, 2018 demanding the marks obtained by him in the examination, the cut off marks and other details of the examination. As the application filed under the RTI Act was not suitably replied to by the competent statutory authority under the RTI Act, the applicant has approached this Tribunal.

3. Admittedly, the applicant wants information under the RTI Act. The RTI Act is a complete code in itself and if the information under the RTI Act is not supplied by the information officer, statutory remedy of first appeal and second appeal are available under the statute itself and, therefore, for the purpose of seeking information under the RTI Act invoking the jurisdiction of this Tribunal is not called for. This Tribunal is creation of a Statute, namely, Armed Forces Tribunal Act, 2007 and exercises statutory jurisdiction as contemplated under the Act. The prayer made in the application and the relief sought for is not one of the items contemplated in a service dispute as is defined under "service matters" in Section 3 (o) of the Act.

The prayer made is only to seek information coming within the ambit of RTI Act. That apart, the matter pertains to recruitment and enrolment into the Armed Force services and recently a Full Bench of this Tribunal in the case of Recruit Kaptan Singh Vs. Union of India and Ors., OA No.17/2015 decided on 28th May, 2021, has clearly held that the matters pertaining to recruitment are beyond the jurisdiction of this Tribunal while exercising jurisdiction under Section 14 of the Armed Forces Tribunal Act.

5. Taking note of all these circumstances, we dismiss this OA with liberty to the applicant to take recourse to such remedy as may be permissible under the law.

6. In view of the aforesaid, MA 399/2021 also stands dismissed.