

For adjournment and hearing.

Bench

18
21/10/03

Order dated 22.10.2003

None appeared on behalf of the applicant nor the applicant in person was present when the matter was called. There has been no request made on behalf of the applicant's counsel seeking an adjournment. Earlier on several occasions also neither the learned counsel for the applicant was present nor the applicant in person. However, Shri A.K.Bose, learned Senior Standing Counsel was all along present.

Heard Shri Bose and with his aid and assistance perused the records.

This Original Application has been filed by one Smt. Sikharani Mohapatra, wife of late Chitrasena Mohapatra, who retired as a serving armed force personnel, way back in the year 1968. Through this application the applicant has claimed family pension consequent upon death of her husband. The husband of the applicant was in receipt of pension as a retired armed force personnel. In the circumstances it is doubtful whether this Tribunal can entertain and adjudicate upon the matters of this nature. This point has also been brought out by the Respondents by filing their counter on 7.3.2003. Viewed from this angle, I am of the opinion that this Tribunal lacks jurisdiction to adjudicate the grievance as raised by the applicant in the instant O.A. inasmuch as her husband late Chitrasena Mohapatra being a member of the armed force (Ex-Naik) was in receipt of pension from military service and that the members of Armed forces are not

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Copy of order of 22/10/03
issued to the Counsel
for both side.

*Ans/
S.C.*

*PD
24/10/03*

amenable to the jurisdiction of this Tribunal
in view of Section 2(a) of A.T. Act, 1985.

For the reasons discussed above,
this O.A. is rejected being not maintainable.
No costs.

*Ans/
S.C.*
VICE-CHAIRMAN 24/10