

'DEFENCE PERSONNEL CAN MOVE HCS AGAINST TRIBUNAL ORDERS'

Relevant for: Developmental Issues | Topic: Regulatory & Quasi-Judicial bodies

Members of the armed forces, including the Air Force, the Navy and the Army, can approach the High Courts to challenge the final decisions of the Armed Forces Tribunals (AFT) involving issues of pay, pension, promotion and discipline, the Delhi High Court has held.

The Delhi HC's ruling is likely to provide reprieve to a large section appellants whose only remedy until now was to petition the Supreme Court against the final order passed by an AFT.

It said,, "The remedy of appeal to apex court in a large number of cases may also prove to be ineffective for the members of the armed forces posted all over India as they may find it expensive and difficult to approach the apex court."

The Centre argued that members of the armed forces need not approach the High Courts against decisions of the AFTs as they have an alternative effective remedy of filing an appeal before the Supreme Court under Armed Forces Tribunal Act.

High pendency

It further argued that the Statement of Objects and Reasons of the Armed Forces Tribunal Act, 2007 clearly stipulates that the reason for the establishment of the tribunal was the large number of cases pending before the High Courts. It said if members of the armed forces are allowed to approach the HCs, "it would lead to the same situation [high pendency] once again".

Advocate Ankur Chhibber, who represented some of the armed forces personnel, argued that an appeal to the Supreme Court lies only in such cases where the question of general public importance is involved.

He contended that matters concerning pay, pension, promotion and discipline are matters personal to the litigants and do not involve any substantial question of law of general public importance.

The High Court's decision came on a batch of petitions by various members of the armed forces challenging the orders of AFTs.

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