



2026:AHC:71317-DB

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**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**WRIT - A No. - 2923 of 2026**

Sachin Kumar and 3 others

.....Petitioner(s)

Versus

Union of India and 4 others

.....Respondent(s)

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Counsel for Petitioner(s) : Bansh Raj Mishra, Indrajeet Kumar  
Counsel for Respondent(s) : A.S.G.I., Gopal Verma

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**Chief Justice's Court**

**HON'BLE ARUN BHANSALI, CHIEF JUSTICE  
HON'BLE KSHITIJ SHAILENDRA, J.**

1. This petition is directed against order 19.09.2025 passed by the Armed Forces Tribunal, Principal Bench, New Delhi.
2. The petitioners had filed Original Applications ('OAs') before the Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007 whereby they were discharged from service locally on academic grounds and prayed for quashing of the impugned order, seeking reinstatement with all consequential benefits.
3. The OAs filed by the petitioners were heard along with few other OAs and the Tribunal by the order impugned came to the conclusion that the OAs were devoid of merit and consequently, dismissed the same. Aggrieved of the order passed by the Principal Bench of the Tribunal at New Delhi, the present petition has been filed.
4. Counsel for the respondents raised preliminary objection that as the order impugned has been passed by the Principal Bench of the Tribunal at New Delhi, this Court does not have the territorial jurisdiction to hear the matter.
5. Submissions have been made that the applicants in other OAs have already approached Delhi High Court, wherein counter affidavit has been called and to avoid conflicting decision *qua* the same common impugned order also, the petition be not entertained by this Court at Allahabad.

6. Counsel for the petitioners contested the submissions made. It has been submitted that in terms of Rule 6 of the Armed Forces Tribunal (Procedure) Rules, 2008 ('Rules, 2008'), the OA could have been filed with the Bench of the Tribunal within whose jurisdiction the petitioner was last posted or where the cause of action wholly or in part had arisen. However, sub-rule (2) of Rule 6 of the Rules, 2008 provides that a person who is ceased to be in service by reason of his retirement, dismissal, discharge at his option can file an application with the Bench of the Tribunal within whose jurisdiction such person is ordinarily residing at the time of filing of the application.

7. Submissions have been made that in fact the Original Application could only be filed before the Bench of the Tribunal at Visakhapatnam or based on the residence of the petitioner nos. 2, 3 & 4 with Bench at Lucknow and in view of the provisions of Rule 6 of the Rules, 2008 as the petition could have been filed at Lucknow, this Court would have jurisdiction to hear the matter.

8. Reliance has been placed on judgement in **Punjab National Bank v. Shri Sakhroo Ram and others** : Writ Petition No. 10385 of 2013 decided on 08.12.2025 by Madhya Pradesh High Court at Jabalpur Bench, **Union of India and others v. Parashotam Dass** : 2023 INSC 265, **Paritosh Kumar v. Union of India and others** : 2013 (9) ADJ 1, U.P. **Rashtriya Chini Mills Limited v. State of U.P. and others** : 1995(4) SCC 738 and **Nasiruddin v. State Transport Appellate Authority** : 1975(2) SCC 671.

9. Counsel for the respondents submitted that one of the petitioners Sachin Kumar son of Saheb Singh is not even the resident of Uttar Pradesh and that the issue would be governed by judgement in **Rajendra Kumar Mishra v. Union of India and others** : (2005) 1 UPLBEC 108.

10. We have considered the submissions made by counsel for the parties and perused the material available on record.

11. The issue, as raised in the present matter, is no more *res-integra* as Hon'ble Supreme Court in **Union of India v. Alapan Bandyopadhyay** : (2022) 3 SCC 133, while dealing with the said aspect with reference to

Constitution Bench judgement in **L. Chandra Kumar v. Union of India** : (1997) 3 SCC 261 *inter-alia* came to the following conclusion :

"37. Further, it was held thus: (*L. Chandra Kumar case*)

*"99. ....The jurisdiction conferred upon the High Courts under Articles 226/227 and upon the Supreme Court under Article 32 of the Constitution is part of the inviolable basic structure of our Constitution. While this jurisdiction cannot be ousted, other Courts and Tribunals may perform a supplemental role in discharging the powers conferred by Articles 226/227 and 32 of the Constitution. The Tribunals created under Article 323-A and Article 323-B of the Constitution are possessed of the competence to test the constitutional validity of statutory provisions and rules. All decisions of these Tribunals will, however, be subject to scrutiny before a Division Bench of the High Court within whose jurisdiction the Tribunal concerned falls."*

(emphasis supplied)

38. When once a Constitution Bench of this Court declared the law that "all decisions of Tribunals created under Article 323-A and Article 323-B of the Constitution will be subject to the scrutiny before a Division Bench of the High Court within whose jurisdiction the Tribunal concerned falls", it is impermissible to make any further construction on the said issue. The expression "all decisions of these Tribunals" used by the Constitution Bench will cover and take within its sweep orders passed on applications or otherwise in the matter of transfer of Original Applications from one Bench of the Tribunal to another Bench of the Tribunal in exercise of the power under Section 25 of the Act.

40. The law thus declared by the Constitution Bench cannot be revisited by a Bench of lesser quorum or for that matter by the High Courts by looking into the bundle of facts to ascertain whether they would confer territorial jurisdiction to the High Court within the ambit of Article 226(2) of the Constitution. We are of the considered view that taking another view would undoubtedly result in indefiniteness and multiplicity in the matter of jurisdiction in situations when a decision passed under Section 25 of the Act is to be called in question especially in cases involving multiple parties residing within the jurisdiction of different High Courts albeit aggrieved by one common order passed by the Chairman at the Principal Bench at New Delhi."

(emphasis supplied)

12. It would be seen that Hon'ble Supreme Court with reference to the Constitution Bench judgement in the case of **L. Chandra Kumar (Supra)** came to a categorical conclusion that all decisions of Tribunals

will be subject to the scrutiny before a Division Bench of the High Court 'within whose jurisdiction the Tribunal concerned falls'.

13. The Court further observed that the law declared by the Constitution Bench cannot be revisited by the High Courts by looking into the bundle of facts to ascertain whether they would confer territorial jurisdiction to the High Court within the ambit of Article 226(2) of the Constitution of India.

14. It was emphasized that if order passed by Principal Bench at New Delhi is to be called in question in cases involving multiple parties residing within the jurisdiction of different High Courts aggrieved by one common order, the same would result in indefiniteness and multiplicity. The said determination squarely applies to the present case.

15. In fact, in a case of present matter, Hon'ble Supreme Court indicated that the High Court should have confined its consideration to decide its own territorial jurisdiction without reference to the bundle of facts constituting the cause of action for filing Original Application in terms of Rule 6(2) of the Rules, 2008 involved therein, which is identical to the Rule cited by counsel for the petitioners.

16. The observations read as under :

*"32. When once the High Court found the order impugned as one passed by the Principal Bench we have no hesitation to hold that the High Court should have confined its consideration firstly, to decide its own territorial jurisdiction for exercising the power of judicial review over the order dated 22.10.2021 passed by the Principal Bench in Personnel, Public Grievances and Pensions v. Alapan Bandyopadhyay in the correct perspective, without reference to the bundle of facts constituting the cause of action for filing O.A. No. 1619 of 2021 before the Kolkata Bench of the Tribunal founded on the cause of action referred to in Rule 6(2) of the Procedure Rules that decides the place of filing of an O.A."*

17. In view of the above categorical law laid down by Hon'ble Supreme Court, we have no hesitation in coming to the conclusion that as the order impugned has been passed by the Principal Bench of the Tribunal, New Delhi, this Court would lack territorial jurisdiction to hear challenge to the said order.

18. So far as the judgements cited by counsel for the petitioners are

concerned, the same have no application to the subject matter of the present case as in the case of **Parashotam Dass (Supra)**, the only issue before the Hon'ble Supreme Court was maintainability of writ petition under Article 226 of the Constitution of India against orders passed by the Armed Forces Tribunal.

19. The judgement in the case of **Paritosh Kumar (Supra)** deals with the dispute pertaining to the maintainability of proceedings before the Principal Seat and Bench. The judgement in the case of **U.P. Rashtriya Chini Mills Limited (Supra)** pertains to Article 226(2) of the Constitution of India *qua* which in the case of **Alapan Bandyopadhyay (Supra)**, Hon'ble Supreme Court has clearly ruled that the said aspect need not be gone into.

20. Similarly, the judgement in the case of **Nasiruddin (Supra)**, also inter-alia deals with maintainability of matters between Principal Seat and the Bench.

21. Judgement in the case of **Sakhroo Ram (Supra)** of the Madhya Pradesh High Court deals with a case where appellate jurisdiction for several States is conferred on one authority situated at other State, which is not the case here.

22. In view of above discussion, following the judgement in the case of **Alapan Bandyopadhyay (Supra)**, it is held that the writ petition filed by the petitioners for lack of territorial jurisdiction is not maintainable before this Court. The same is, therefore, **dismissed**, leaving it open for the petitioners to approach appropriate forum in accordance with law.

(Kshitij Shailendra, J) (Arun Bhansali, CJ)

April 2, 2026  
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