

Notes of
the
Registry

Orders of the Tribunal

ARMED FORCES TRIBUNAL,
REGIONAL BENCH, GUWAHATI

6.

OA-21/2025
With MA-26/2025

Smti Saramma Thomas

..... Applicant

By legal practitioners for Applicant

RS Mishra

Bandita Sarma

Manshi Dey

UOI & Ors

..... Respondents

By legal practitioner for Respondents

P.J. Barman, CGSC

CORAM :

HON'BLE MR. JUSTICE S.K. GUPTA, MEMBER (J)

HON'BLE LT GEN C.P. MOHANTY, MEMBER (A)

ORDER

18.03.2026

1. On the case being taken up for hearing, Shri RS Mishra, learned counsel for the applicant and Shri PJ Barman, learned counsel for the respondents are present.
2. Brief facts of the case as emanated from the record are that husband of the applicant was enrolled in Assam Rifles as Havildar (Pharmacist) on 11.10.1960 and he was discharged from service w.e.f. 15.07.1976 prior to completion of terms of engagement at his own request. After discharge from service, he died on 26.04.1989. This O.A. has been filed on behalf of the wife of the deceased soldier for grant of family pension.
3. Learned counsel for the respondents raised preliminary objection on maintainability of this O.A. contending that the present O.A. is not maintainable

before this Tribunal as the applicant's husband was serving member of Assam Rifles, which being para military force is not subject to Army Act, 1950.

4. Heard learned counsel for the parties and perused the record.

5. We have considered the submission advanced by the learned counsel appearing for the parties on the question of jurisdiction of this Tribunal to entertain the OA.

6. Section 14 of the Armed Forces Tribunal Act, 2007 Act provides that the Tribunal shall exercise, on and from the appointed day, all the jurisdiction, power and authority, exercisable immediately before that day by all Courts (except Supreme Court or a High Court exercising jurisdiction under Article 226 and 227 of the Constitution) in relation to all service matters.

7. The term 'service matter' is defined in Section 3(o) of the AFT Act, 2007 in relation to the persons subject to the Army Act, 1950 (46 of 1950), the Navy Act 1957(62 of 1957) and the Air Force Act, 1950 (45 of 1950) means all matters relating to the conditions of their service and shall include – (i) remuneration (including allowances), pension and other retirement benefits; (ii) tenure including commission, appointment, enrolment, probation, confirmation, seniority, training, promotion, reversion, premature retirement, superannuation, termination of service and penal deductions ; (iii) summary disposal and trials where the punishment of dismissal is awarded; (iv) any other matter, whatsoever but shall not include matters relating to – (i) Orders issued under section 18 of the Army Act, 1950 (46 of 1950), sub section (1) of Section 15 of the Navy Act, 1957 (62 of 1957) and Section 18 of the Air Force Act, 1950 (45 of 1950) and ii) transfer and postings including the change of place or unit on posting whether individually or as a part of the Unit, formation or ship in relation to the persons subject to the Army Act, 1950 (46 of 1950), the Navy Act, 1957 (62 of 1957) and Air Force Act, 1950 (45 of 1950). (iii) Leave of any kind; (iv) Summary Court Martial except where the

punishment is of dismissal or imprisonment for more than three months; (p) "Summary disposal and trials' means summary disposals and trials held under the Army Act, 1950(46 of 1950), the Navy Act 1957 (62 of 1957) and the Air Force Act,1950 (45 of 1950); (q) "Tribunal" means the Armed Forces Tribunal established under section 4."

8. This Tribunal, therefore, can entertain an application in relation to the persons who are either subject to Army Act, 1950 or Navy Act, 1957 or Air Force Act, 1950 and no other Act.

9. The applicant's deceased husband was member of Assam Rifles (Paramilitary Force), therefore, he being not subject to Army Act, 1950, this O.A. is not entertainable by this Tribunal. It is accordingly, dismissed being not maintainable. It is open to the applicant to pursue his case before the appropriate forum, if so advised.

10. No order as to costs.

Sd/-

(Lt Gen C. P. Mohanty)
Member (A)

Sd/-

(Justice S.K. Gupta)
Member (J)