

IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.

CWP No. 11861 of 2013. [O&M]
Date of Decision: 29th June, 2015.

Amit Kumar Roy
Versus
Petitioner through
Mr. Jagdeep S.Rana, Advocate

Union of India & Ors. Respondents through
Mr. Brijeshwar S.Kanwar, Sr. Standing
Counsel, UOI, for the applicant/respondents.
Mr. G.S.Bal, Sr. Advocate with Mr. ADS Bal,
Advocate for non-applicant/petitioner.

**CORAM:HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE P.B.BAJANTHRI**

- 1. Whether Reporters of local papers may be allowed to see the judgment?**
- 2. To be referred to the Reporters or not?**
- 3. Whether the judgment should be reported in the Digest?**

SURYA KANT, J. [ORAL]

CM No. 5727-CWP of 2015.

Notice to non-applicant/petitioner.

Mr. ADS Bal, Advocate, accepts notice on his behalf.

With the consent of counsel for the parties, the main case is taken on board for final disposal.

CM stands disposed of.

CWP No. 11861 of 2012

The petitioner while laying challenge to the *vires* of Section 30 of the Armed Forces Act, 2007, seeks quashing of the orders dated 11.04.2012 and 25.05.2012 [Annexures P-9 and P12, respectively] vide which his Original Application and the review application have been dismissed by dismissed by the Armed Forces Tribunal, Regional Bench, Chandigarh [in short 'the Tribunal']. The speaking order dated 26.03.2012 passed in pursuance of the Tribunal's orders is also under challenge.

2. During the course of hearing, it is not disputed that in the light of the recent decision of the Supreme Court in **Union of India & Ors. Vs. Major General Shri Kant Sharma & Anr. 2015[2] SCT 519**, this Court has disposed of a bunch of writ petitions including **CWP No. 6958 of 2012 [Ex.LAC Anil Kumar Bishnoi Vs. Union of India & Ors.]** on 18th May, 2015, wherein the orders passed by the Armed Forces Tribunal were challenged, relegating the writ petitioners to their alternative remedy as may be available in law. Para 16 of the order dated 18th May, 2015 passed in that case reads as follows:-

*“(16) Consequently and for the reasons afore-stated, we dismiss these writ petitions being not maintainable and relegate the petitioners to their respective alternative remedies as are available in law. As of now, following the dictum in **Major General Shri Kant Sharma’s** case, the writ petitions cannot be entertained. Since the petitioners have been bona-fidely pursuing these writ petitions before this Court, liberty is granted to them seek condonation of delay in filing of appeal etc., for the period spent in the pendency of these cases”.*

[3]. The instant writ petition is also thus disposed of in terms of the order reproduced above.

[4]. However, having regard to the fact that pursuant to the interim order dated 15.06.2012, the petitioner has joined as Probationary Officer in the Bank, it is directed in the interest of justice that this interim order shall continue to operate for a period of two months to enable the petitioner to have recourse to the alternative remedy as may be available in law.

(SURYA KANT)
JUDGE

June 29, 2015.
dinesh

(P.B.BAJANTHRI)
JUDGE