

**HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.1691 of 2015 (O&M)

Date of Decision: 18.05.2015

Captain Parambir Kaur

... Petitioner

VS.

Union of India & Ors.

... Respondents

**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?

Present: Mr. GS Ghuman, Advocate for the petitioner

Mr. Puneet Gupta, Sr.Panel Counsel, UOI

SURYA KANT, J. (Oral)

(1) Though a bunch of writ petitions challenging the orders passed by the Armed Forces Tribunal, Regional Bench, Chandigarh (in short, 'the Tribunal') have been dismissed by us relegating the writ-petitioners to the alternative statutory remedies in view of the law laid down by the Hon'ble Supreme Court in *Union of India & Ors. vs. Major General Shri Kant Sharma & Anr., 2015(2) SCT 519*, however, in the instant case, the petitioner cannot be relegated to such remedy because no appeal under Section 30 or 31 of the Act is maintainable against an interlocutory order.

(2) The short question that survives is the sustainability of the interim relief granted on 30.01.2015.

(3) It is pointed out by learned counsel for the petitioner that the Union of India/respondents have not even filed their reply/affidavit before the Tribunal so far even though on 30.01.2015, we had granted liberty to the respondents to file their written statement before the Tribunal and seek preponment of the next of hearing.

(4) In these peculiar facts and circumstances, there appears to be no justification to vacate the interim stay dated 30.01.2015.

(5) We thus dispose of the writ petition without expressing any views on merit with a direction that let the Tribunal make an endeavour to decide the main case at the earliest and preferably within two months from the date of receipt of a certified copy of this order.

(6) Till such decision, the interim order dated 30.01.2015 shall continue to operate.

(7) Disposed of accordingly.

(Surya Kant)
Judge

18.05.2015
vishal shonkar

(P.B. Bajanthri)
Judge