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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 7821/2006 & CM Nos. 25947-25948/2015**

COL.ANIL SAHGAL

..... Petitioner

Through: Mr. Ajay Burman, Advocate
alongwith Mr. Abhay Kumar Verma,
Mr. Karan Burman and Mr. Harsit
Khurana, Advocates alongwith
petitioner in person.

versus

UOI & ORS.

..... Respondents

Through: Mr. Dev P. Bhardwaj, CGSC
alongwith Major Jitender Singh.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MS. JUSTICE DEEPA SHARMA

ORDER

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06.11.2015

CM No. 25947/2015

It is brought to the notice of this Court that the petitioner is challenging the rejection of his post-confirmation petition. He was sentenced to undergo four years rigorous imprisonment and dismissed from service. It appears that this Court had earlier suspended the sentence and also enabled the petitioner to obtain a passport and travel abroad. He seeks by this application a similar relief.

Having regard to the circumstances with the enactment of the Armed Forces Tribunal Act, 2007 which was brought into force later and under which the Armed Forces Tribunal was constituted in 2010

this Court ceases to exercise jurisdiction over matters such as the present one. This is further set forth in the judgment of the Supreme Court in **Union of India Vs. Major General Shrikant Sharma** (Civil Appeal No. 7400/2013, decided on 11.03.2015).

In these circumstances and in view of Section 34 of the Armed Forces Tribunal Act, the present petition is hereby transferred to the principal Bench of the Armed Forces Tribunal at Delhi. Registry is directed to forthwith transmit all the records to the said Tribunal. Parties shall be present before the Armed Forces Tribunal on 20.11.2015. The AFT is requested to consider the petitioner's application with CM No._25947/2015 for interim relief on its merit but also in the light of the previous orders of the Court. It is open to the respondents to file a counter affidavit to the said application in the meanwhile. The writ petition is disposed on in above terms. This order would be transmitted directly to the AFT.

Dasti to the parties.

S. RAVINDRA BHAT, J

DEEPA SHARMA, J

NOVEMBER 06, 2015

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