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

+ CONT.CAS(C) 59/2016

SGT CHAMAN LAL

..... Petitioner

Through: Petitioner in person.

versus

G MOHAN KUMAR & ORS

..... Respondents

Through: Ms. Barkha Babbar, Adv. for UOI
with GP Capt. Pankaj Pant, GP Capt.
Bharti Mahapatra, Cdr. Ashok
Chauhan and Cdr. Piush Ranjhen.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

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22.01.2016

1. The petitioner has filed this petition for initiating proceedings for contempt for violation of the order dated 22nd October, 2009 passed by the Division Bench in W.P.(C) 11603/2009.
2. Learned counsel for the respondents present in Court on receipt of the advance copy submits that the petition is barred by limitation. It is further submitted that the petitioner filed O.A. No.318/2015 for the same relief before the Armed Force Tribunal, Principal Bench, New Delhi in which the learned Tribunal has passed a detailed order dated 17th December, 2015. Vide order dated 17th December, 2015, the Armed Forces Tribunal has upheld the opinion of the Coder of Medical Experts that the petitioner's treatment is available at Army Hospital (R.R. Hospital), New Delhi and the petitioner is not entitled to be treated by doctor/hospital of his choice. It is submitted that the petitioner has a remedy to challenge the order dated 17th December, 2015.

3. On consideration of the contentions raised by the petitioner, this Court is of the view that the contempt proceedings is clearly barred by limitation having been filed after more than one year of the order dated 22nd October, 2009.

4. The Contempt Petition is dismissed. However, the petitioner is at liberty to challenge the order dated 17th December, 2015 passed b the learned Armed Forces Tribunal.

J.R. MIDHA, J.

JANUARY 22, 2016
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