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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 5005/2016
MNS CORPS ASSOCIATION Petitioner
Through: Mr. Umesh, Advocate

versus

UNION OF INDIA Respondents
Through: Mr. Manu Padalia, Advocate for
Mr. Ankur Chhibber, Advocate

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
27.05.2016

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1. The present petition has been filed by the MNS Corps Association, a Society registered under the Societies Act, comprising of retired officers of the MNS, praying *inter alia* for quashing the relevant part of the recommendations at Para 5.2.20 made by the 7th Central Pay Commission.
2. The Registry has raised an objection with regard to the maintainability of the present petition in this court and stated that the petitioner ought to have approached the Armed Forces Tribunal for relief.
3. Learned counsel for the petitioner states that the petitioner which is a Society, cannot file a petition before the Armed Forces Tribunal for the relief sought in this petition and this option is available only to the

employees who have filed a statutory appeal with the Indian Army.

4. Learned counsel for the respondents, who appears on advance notice, submits that the present petition is in any case, premature inasmuch as the recommendations made by the 7th Central Pay Commission have yet to be accepted by the Government. He further states that the petitioner-Association has already filed a writ petition before the Supreme Court, registered as W.P.(C) 806/2015, for prohibiting the respondents from allegedly violating the provisions of the Indian Military Act, 1950 and for restraining the respondents from changing the status, terms and conditions of the officers serving in the MNS and to grant them the equal status at par with the officers of the same rank designations in the other Arms/Services of the regular Army under the Indian Army Act, which is under consideration.

5. Learned counsel for the petitioner states that though the scope of the captioned petition is different from the relief in the present petition, he may be permitted to withdraw the present petition while reserving the right of the petitioner to approach the Supreme Court for seeking appropriate relief.

6. Leave as prayed for is granted.

7. The petition is dismissed as withdrawn.

HIMA KOHLI, J

SUNIL GAUR, J

MAY 27, 2016

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