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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 10274/2016, CM Nos. 40488-40490/2016**
MAJ GEN AJAY ANAND SM VSM

..... Petitioner

Through: Mr. S.S. Pandey, Adv. with Mr. H.S.
Tiwari, Adv.

versus

UNION OF INDIA AND ORS

..... Respondent

Through: Ms. Barkha Babbar, Adv. with Ms.
Dipanjali Tyagi, Adv. for UOI

CORAM:
HON'BLE MS. JUSTICE INDIRA BANERJEE
HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER
% **27.10.2016**

CM Nos. 40488-40489/2016(for exemption)

Exemption allowed subject to all just exceptions.

Applications stand disposed of.

W.P.(C) 10274/2016

1. Aggrieved by the failure and/or refusal of the respondents to promote the petitioner to the post of Lieutenant General from the post of Major General, the petitioner approached the Tribunal.
2. It is the case of the petitioner that by reason of shortage of Judicial

Members, the application filed by the petitioner could not been taken up for hearing. The orders annexed to the petition reveal that the application was adjourned on at least, five occasions.

3. Counsel appearing on behalf of the petitioner submits that the petitioner is due to retire on 31st October, 2016. As such, it is expedient that relief be granted to the petitioner by this Court, since the Tribunal is virtually not functioning.

4. In view of the impending holidays from tomorrow, it is not possible for this Court to take up and dispose of the writ petition on merits before 31st October, 2016. Even otherwise, we do not deem it appropriate to take up the writ petition and decide the merits of the contentions of the respective parties, since the application filed by the petitioner before the Tribunal is listed for hearing on 17th November, 2016.

5. We dispose of the writ petition by directing the learned Tribunal to dispose of the application as expeditiously as possible without granting any further adjournments. It is expected, that the matter will finally be disposed of within two months from the date of commencement of the hearing on 17th November, 2016.

6. Needless to mention that if the petitioner ultimately succeeds, necessary consequences will follow.

CM No. 40490/2016 (for stay)

Dismissed as infructuous.

INDIRA BANERJEE, J

NAJMI WAZIRI, J

OCTOBER 27, 2016*/ak*