

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 10809 OF 2017

Mrs. Pallavi Nanda

...Petitioner

Versus

Union Of India And Ors.

...Respondents

Mr.Angsuman Ojha a/w Mr.Abhishek Tripathi for the Petitioner.

Mr.A.S. Khandeparkar a/w Mr.Dhanesh R. Shah for the Respondent-
Union of India.

CORAM : M. S. SONAK, J.

DATE : 29th SEPTEMBER 2017

P.C.

1. The matters such as these, as far as possible, should not be agitated in the first instance before this Court. The Indian Navy is a very responsible Institution, of which, the petitioner's husband Captain Atul Nanda, is a responsible Officer. As far as possible therefore, matters such as these, should be sorted out, keeping in mind, the interests of both. On one hand, the personal issues which concern the petitioner, her husband and more particularly their children need consideration. At the same time, the Indian Navy, cannot, make any compromise in matters of discipline. A fine balance has to be maintained and there is no reason to proceed on

the basis that the authorities are incapable of striking such fine balance.

2. Mr.Khandeparkar, the learned counsel for the respondent submits that the petitioner's husband Captain Atul Nanda, has alternate remedy in terms of Section 23 of the Navy Act 1957.

3. Without going into the issue as to whether the remedy under Section 23 of the Navy Act 1957 constitutes some impediment to the entertainment the present petition, this petition can be disposed of, now that the parties through their learned counsel have agreed to avail the remedy under Section 23 of the Navy Act. The learned counsel, however request that some time schedule be set out for redressal of the grievances raised in the present petition.

4. Therefore, with the agreement of the learned counsel for the parties, this petition is disposed of by making the following order :-

- a) Captain Atul Nanda to make a representation through the proper channel to the Central Government, so as to available remedy under Section 23 of the Navy

Act, 1957 within a period of two weeks from today;

b) The appropriate authority, which is required to make its comments and recommendations upon such representation, to complete this exercise as expeditiously as possible and in any case within a period of two months from the date of receipt of such representation. Thereafter, the appropriate authority to forward the representation together with comments and recommendations to the Ministry of Defense, within the said period of two months;

c) The Ministry of Defense, upon due consideration of the relevant facts to decide Captain Atul Nanda's representation, as expeditiously as possible and in any case within a period of two months from the date of its receipt from the appropriate authority together with comments and recommendations of the appropriate authority;

5. There is no doubt that the Ministry of Defense will consider the issue from all perspectives and endeavor to strike a fine balance as expressed in the opening paragraph of this order.

6. With these observations, this petition is disposed of.
7. All concerned to act on the basis of the authenticated copy of this order.

(M. S. SONAK, J.)