

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No.5064 of 2017
Date of decision: 14.03.2017

Captain Ramneek Kaur

... Petitioner

VS

Union of India & ors.

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Navdeep Singh, Advocate
for the petitioner.

RAJIV NARAIN RAINA, J.(ORAL)

Once the Indian Army has made up its mind and come to the conclusion that the petitioner's services must be terminated and that decision is accepted and not challenged in this writ petition, then it appears to this Court that the time gap between the date of taking the decision, which was a year ago and the delay in not issuing the final decision by passing an order of termination of service, may be an unreasonable restriction on the life and liberty of the petitioner. This may be sufficient reason for this Court to request the Indian Army to let go the petitioner from fatigues to enable her to mark her future career elsewhere.

It is in these circumstances that the petitioner has approached this Court for issuing request-directions to the respondent - Indian Army to consider and decide her case within a period of four weeks by passing a termination order and relieving the petitioner from service. The request is policy based and to support this contention reference is made to Circulars dated 30.09.2011 and 12.05.2014 on the subject matter as arising in the

present case, the texts of which Circulars have been placed as Annexures P-3 & P-4 respectively with this writ petition.

It is urged by Mr. Navdeep Singh that the mandate of the process prescribed in the policies regarding persons similarly placed like the petitioner, in the case of the petitioner herself had culminated by July 2015 but the same has been delayed inordinately to the peril of personal liberty. It is in these peculiar circumstances, that the petitioner has ventured to this Court to seek time-bound directions to the respondents to give her the freedom of making choices in reordering her future life which can be meaningfully secured only after termination takes place. The prayer appears not to be unfair, unreasonable or suffering from lack of bona fides, notwithstanding the reasons which led the petitioner to this pass.

Every citizen has a right to speedy justice within a reasonable time. The period lived between June 2012 till today is not reasonable. Even attachment of the petitioner has been since March 2016. Even March 2016 to March 2017 is a year gone by, which I feel is long enough for anyone's patience to wear out.

Consequently, this petition is allowed with a direction to the competent authority in the Indian Army to conclude steps on the file of the petitioner and terminate her services within a period of four weeks by passing an order and conveying the same to her.

Captain Priyamvada Sharma of the Indian Army, who is present in Court and who usually appears in defence matters in my present roster, is requested to inform the Indian Army of this order in the quarters concerned.

A copy of this order be handed over to Captain Priyamvada Sharma attested by the Bench Secretary of this Court. A copy of the petition

has also been handed over by learned counsel for the petitioner to the Captain for the record of the respondents.

14.03.2017
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(RAJIV NARAIN RAINA)
JUDGE

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| 1. <i>Whether speaking/non-speaking?</i> | <i>Yes</i> |
| 2. <i>Whether reportable/non-reportable?</i> | <i>No</i> |