

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA no.1059 of 2017 (O&M)
Date of Decision: June 13, 2017

Union of India and others ...Appellants

Versus

Darshana Sonkar Squadron Leader ...Respondent

**CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH
HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL**

Present:- Mr. Vivek Singla, Advocate, for the appellants.

Amol Rattan Singh, J. (Oral)

By this appeal, the Union of India challenges the order of the learned Single Judge dated 02.06.2017, passed in CWP no.12971 of 2017, by which the writ petition filed by the respondent herein was disposed of on the ground of lack of jurisdiction with this Court, but with a direction that uptill the time that the respondent files an appropriate application before the Principal Bench of the Armed Forces Tribunal at Delhi, there would be a stay on her discharge from the Air Force.

The condition imposed was that she should file an application before the Armed Forces Tribunal by 09.06.2017 and thereafter, the stay would continue till the matter was listed and heard.

Mr. Singla, learned counsel for the appellants, submits that though the Principal Bench of the Armed Forces Tribunal is sitting, however, the matter is not being listed and heard, simply because the

counsel who had filed the application before the Tribunal has thereafter not appeared before it.

This Court would otherwise have no jurisdiction to entertain this appeal on the subject matter itself, but since it is a stay order passed by the learned Single Judge, in the aforesaid manner, we consider it appropriate to dispose of this appeal by giving an opportunity to the appellant-Union of India to file an appropriate application for vacation of the stay, before the Principal Bench of the Armed Forces Tribunal, after giving advance notice of such application and showing proof of service of such notice upon the respondent herein.

The order of the learned Single Judge stands modified to the aforesaid extent.

A copy of this order be given to the learned counsel for the appellants under signatures of the Special Secretary of the Bench.

(Amol Rattan Singh)
Judge

June 13, 2017
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(Anupinder Singh Grewal)
Judge

Whether speaking/reasoned: Yes
Whether reportable: no