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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 2225/2018 & C.M. Nos. 9197-99/2018
LT. COL. RANJEET SINGH SM(G) Petitioner
Through: Ms. Neela Gokhale and
Ms. Shraddha Aggarwal, Advocates.

versus

UNION OF INDIA AND ORS. Respondents
Through: Ms. Sanjeev Narula, CGSC with
Lt. Col Varun Luthra and Maj. Charul Bhatt.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

% **09.03.2018**

1. The present petition has been filed by the petitioner, who is a Lt. Colonel in the Indian Army, praying *inter alia* for declaring the letter dated 05.03.2018, issued by the respondents informing him that hearing of charge against him is tentatively scheduled to be held on 10.03.2018 and he should report at HQ 10 Arty Brigade by 07.3.2018, as illegal.
2. Learned counsel for the petitioner submits that prior to issuing the letter dated 05.03.2018, the respondents had issued an Attachment Order dated 09.02.2018, calling upon the petitioner to report at the HQ 10 Arty Brigade/10 at Akhnoor, Jammu and Kashmir.
3. The records reveal that aggrieved by the aforesaid order and the Court of Inquiry (CoI) initiated against the petitioner, he has already approached the Armed Forces Tribunal by filing O.A. No. 404/2018, which is pending adjudication.

4. Learned counsel for the petitioner submits that the concerned Bench of the Armed Force Tribunal has referred the petitioner's case to a larger Bench to be taken up with other connected matters that raise the issue of jurisdiction of the Armed Forces Tribunal for dealing with cases pertaining to Attachment Orders.

5. We are informed that the larger Bench shall hear this matter on 19.3.2018.

6. Learned counsel submits that the petitioner had filed a miscellaneous application before the Armed Forces Tribunal for de-tagging of the matter and for staying the operation of the letter dated 05.03.2018 and the same has been placed before the larger Bench, for being taken up on 19.3.2018.

7. That being the position, we decline to entertain the present petition. It is for the petitioner to pursue his case before the Armed Forces Tribunal and if aggrieved by the non passing of any order by the Armed Forces Tribunal on his miscellaneous application, it is for him to seek his remedy as per law, which does not include approaching the High Court under Article 226 of the Constitution of India.

8. The present petition is dismissed as not maintainable, alongwith the pending applications.

HIMA KOHLI, J

PRATIBHA RANI, J

MARCH 09, 2018/ap/na

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