

Civil Writ Petition No. 3443 of 2020

Date of Decision: February 07, 2020

Corporal Prateek Pandey

....petitioner

Versus

Union of India and others

....respondents

CORAM: HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Vivek Singla, Advocate
for the petitioner.Mr. Arun Gosain, Advocate
for the respondents.

Lisa Gill, J.

The petitioner in this case has challenged show cause notice dated 14.02.2019 (Annexure P4) as well as order dated 06.01.2020 (Annexure P6) and signal dated 15.01.2020 (Annexure P7). Order dated 06.01.2020 (Annexure P6) and signal dated 15.01.2020 (Annexure P7) are culmination of proceedings emanating from show cause notice dated 14.02.2019. The controversy in hand clearly has to be dealt with by the learned Armed Forces Tribunal, Chandigarh Bench (for short – 'the Tribunal'). Learned counsel for the petitioner, however, submits that the Tribunal is not functional at this stage.

At this stage, Mr. Arun Gosain, Advocate, for the Union of India informs that the Tribunal shall be functional from 11.02.2020 till 14.02.2020 and from 24.02.2020 till 06.03.2020 and the matter can be presented by the petitioner on the said dates.

Learned counsel for the petitioner submits that the petition shall be filed well before 11.02.2020 but in case the matter is not taken up by the

Tribunal by 14.02.2020, operation of the impugned orders be kept in abeyance, as the petitioner is sought to be discharged by 15.02.2020.

Keeping in view the peculiar facts and circumstances of this case, this writ petition is disposed of with liberty to file necessary application/petition before the learned Tribunal on or before 11.02.2020. The matter be taken up by the learned Tribunal between 11.02.2020 to 14.02.2020 and 24.02.2020 to 06.03.2020, as per its convenience. In case, the Tribunal is unable to take up the matter before 15.02.2020, impugned order dated 06.01.2020 (Annexure P6) as well as signal dated 15.01.2020 (Annexure P7) be kept in abeyance.

Needless to say, there is no expression of opinion on the merits of the case and it is for the learned Tribunal to take a decision regarding the controversy including the question of interim relief as claimed by the petitioner.

February 07, 2020
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No