

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CWP-8486-2020(O&M)

Date of Decision:13.07.2020

Ris Pawan Kumar

.....Petitioner

Versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. A.K. Walia, Advocate,
for the petitioner.

Mr. Satya Pal Jain, Additional Solicitor General of
India with Mr. Vijay Kumar Chaudhary,
Senior Counsel for UOI.

HARI PAL VERMA, J.(Oral)

The matter has been taken up for hearing through video
conferencing due to outbreak of COVID-19.

CM-5502-CWP-2020

Prayer in this application filed under Section 151 CPC is for
exemption from filing the prescribed court fee, advocates welfare stamp as
well as the attested affidavit.

Prayer for exemption of court fee on account of COVID-19 is
accepted with the condition that the petitioner shall deposit the required
court fee/documents within a period of one month when the situation
becomes normal from the COVID-19 effect.

Application stands disposed of.

CWP-8486-2020

Petitioner has filed the present writ petition under Article 226

of the Constitution of India for issuance of a writ in the nature of mandamus, directing respondent No.5-Armed Forces Tribunal, Chandigarh Bench (for short “the AFT”) through its Registrar to hear and adjudicate the pending OA-548/2020 titled as “Ris Pawan Kumar Versus Union of India and others”.

The petitioner was discharged from service vide order dated 13.01.2020(Annexure P-6). He challenged the same before the Armed Forces Tribunal by way of original(OA) application on 01.03.2020. However, the OA filed by the petitioner could not be heard by the AFT due to prevailing current COVID-19 situation. The limited prayer of the petitioner is that the OA be heard by the AFT and the operation of the impugned order be stayed.

Mr. Satya Pal Jain, learned Additional Solicitor General of India has brought to the notice of this Court, an order dated 30.06.2020 passed in **Ris Hardeep Singh JC-245921W Versus Union of India and others(CWP-8751-2020)** and submits that the present petition deserves to be disposed of in the similar terms. The relevant part of order dated 30.06.2020 reads as under:-

“Considering the fact that a remedy is available to the petitioner, it would not be appropriate to interfere with the impugned order passed. However, considering the COVID-19 situation, the petition is transferred to AFT, the Bench either Delhi or Chandi Mandir Bench may hear the stay matter as expeditiously as possible in the present situation. Till then, the petitioner shall not be relieved from his services.

It is clarified that AFT shall not be influenced by interim order passed by this Court but would decide the application on merits.”

Learned counsel for the petitioner does not dispute the

aforesaid fact.

In view of the conceded position, the present writ petition is disposed of in the same terms as passed in **Ris Hardeep Singh JC-245921W Versus Union of India and others(CWP-8751-2020)** vide order dated 30.06.2020.

July 13, 2020
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No