

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

C.W.P. No. 8751 of 2020

Date of Decision: 30th June 2020

Ris. Hardeep Singh JC-245921W

.....Petitioner

Versus

Union of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

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

AVNEESH JHINGAN, J.(oral)

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

The present petition is filed seeking direction to respondents not to release the petitioner from service in pursuance of order dated 15.11.2019 as well as order dated 13.01.2020 till the matter is heard by the Armed Forces Tribunal, Chandigarh Bench (for short 'AFT') or in alternative to quash impugned orders.

Learned counsel for the petitioner submits that Chandi Mandir Bench is not functional since March 2020 as the quorum is not complete.

Mr. Satya Pal Jain, Additional Solicitor General of India with Mr. Vikram Chaudhary, Senior Panel Counsel for Union of India, has received advance copy and puts in appearance for the respondents. He argues that the petitioner has not till date filed the original application before the AFT. He further submits that the Principal Bench of AFT, Delhi is functional.

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.

The petition is disposed of.

(AVNEESH JHINGAN)
JUDGE

30th June 2020
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Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No