

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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CWP No.17653 of 2020 (O&M)

Date of Decision:27thOctober, 2020

Ashwani Kumar

....Petitioner

VERSUS

Union of India and others

....Respondent

CORAM: JUSTICE S. MURALIDHAR
JUSTICE AVNEESH JHINGAN

Present: Mr. Rajesh Sehgal, Advocate for the Petitioner.

Mr. Satya Pal Jain, Senior Advocate, Additional Solicitor
General of India with Mr. Rohit Verma, Central Government
Counsel for the Respondents.

Dr. S. Muralidhar, J.

1. The challenge in this writ petition is to an interim order dated 14th October, 2020 passed by the Armed Forces Tribunal, Chandigarh ('AFT') vacating the interim order dated 25th June, 2020 passed by this Court in CWP No. 8461 of 2020 staying the discharge of the present Petitioner by an order dated 24th December, 2019 passed by the Respondents.
2. Earlier, when the AFT was not functioning, the Petitioner approached this Court by filing CWP No. 8461 of 2020. By an order dated 22nd June, 2020, this Court stayed the discharge of the Petitioner with effect from 30th June, 2020 by the impugned order dated 24th December, 2019 passed by the Respondents and disposed of the said petition.
3. Mr. Rajesh Sehgal, learned Counsel for the Petitioner, submits that without discussing the decision dated 19th May, 2014 passed by this Court in CWP No. 988 of 2012 (O&M) ***Subedar Manjit Singh v. Union of India***, on which reliance was placed by the Petitioner, the AFT has

proceeded to vacate the interim order staying the Petitioner's discharge, thereby causing severe prejudice to the Petitioner.

4. Mr. Satya Pal Jain, Additional Solicitor General of India, appearing for the Respondents on advance notice, points out that pursuant to the interim order dated 14th October, 2020 of the AFT, vacating the stay of Petitioner's discharge, the Petitioner already stands discharged as of 20th October, 2020. He further points out that the main TA No.10 of 2020 is fixed for final hearing on 18th December, 2020.
5. In view of the Petitioner being discharged on 20th October, 2020, the Court does not consider it necessary, at this stage, to interfere with the interim order dated 14th October, 2020 of the AFT. However, it is clarified that this Court has not expressed any opinion on the correctness of the aforesaid interim order of the AFT. The Court directs that the main petition before the AFT i.e. T.A. No.10 of 2020 be taken up, with the cooperation of learned counsel for the parties, for final hearing on 18th December, 2020 and be disposed of as expeditiously as possible.
6. The petition is disposed of in the above terms.

(S. MURALIDHAR)
JUDGE

(AVNEESH JHINGAN)
JUDGE

27th October, 2020
Sachin M.

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No