

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 37694 of 2019
Date of Decision: 11.02.2020

Sep. Prithvi Singh

.....Petitioner

Versus

Union of India and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Rajeev Anand, Advocate
for Mr. K.S.Kahlon, Advocate
for the petitioner.

Ms. Puneeta Sethi, Advocate
for respondent-UI.

LISA GILL, J(Oral).

It is submitted that the present petition has been filed before this Court as the Armed Forces Tribunal, Chandigarh Bench (for short, the 'Tribunal), is not functional at this stage. It is not in dispute that the controversy in hand has to be dealt with by the learned Tribunal.

Learned counsel for the respondent-UI informs that the Tribunal shall be functional from 11.02.2020 to 14.02.2020 and from 25.02.2020 till 06.03.2020 and the matter can be presented by the petitioner on the said dates.

Learned counsel for the petitioner in the wake of the abovesaid statement, submits that the necessary petition before the learned Tribunal shall be filed during these days, but till then operation of the impugned order dated 04.10.2019 (Annexure P-5), whereby the petitioner is sought to be discharged prematurely, be kept in abeyance.

Keeping in view the peculiar facts and circumstances as above,

this writ petition is disposed of with liberty to the petitioner to approach the learned Tribunal within seven days from today. The matter be taken up by the learned Tribunal on the dates as mentioned above, as per its convenience.

Till then, the impugned order dated 04.10.2019 (Annexure P-5), 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 in hand in accordance with law, including the question of interim relief as claimed by the petitioner. It is clarified that the interim order passed in this petition shall remain operational only till the matter is taken up by the learned tribunal.

11.02.2020
s.khan

[LISA GILL]
Judge

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