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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 3517/2020 & CMs 12485-86/2020**

AVM PRAVEEN BHATT

..... Petitioner

Through: Mr. Ankur Chibber with
Ms. Divya Sharma, Advocates
with petitioner in person.

versus

UNION OF INDIA & ORS.

....Respondents

Through: Mr. Harish Vaidyanathan Shankar,
CGSC for R-1 to 3.

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **15.06.2020**

HEARD THROUGH VIDEO CONFERENCING.

1. The petitioner is aggrieved by the judgment dated 27.11.1990 passed by the Principal Bench, Armed Forces Tribunal dismissing OA 339/2019, filed by him. The petitioner has also assailed an order dated 9.1.2020 passed by the AFT dismissing a miscellaneous application filed by him (MA No. 3311/2019) for clarification of the judgment dated 27.11.2019.

2. At the outset, we have requested Mr. Chibber, learned counsel for the petitioner to address us on the maintainability of the present petition in the light of fact that a statutory remedy is available to the petitioner by approaching the Supreme Court for relief within 90 days from the date of the judgment, i.e., on or before 26.2.2020, which for reasons best known to him, he has not availed of. We are also not persuaded by the submission made by learned counsel for the petitioner that it is a fit case where this Court ought to exercise its jurisdiction under Article 226 of the Constitution of India in view of the recent judgment of

the Supreme Court in Balkrishna Ram vs. Union of India & Anr., reported as (2020) 2 SCC 442 as, the petitioner is admittedly a senior ranking officer, who even after retirement, is residing in Delhi and all along had easy access to the Supreme Court.

3. At this stage, Mr. Chibber, learned counsel for the petitioner states that he may be permitted to obtain instructions from his client, who is present in the hearing. After obtaining instructions, he seeks leave to withdraw the present petition, while reserving the right of the petitioner to seek his remedies under the statute.

4. Leave, as prayed for, is granted. The present petition is disposed of as not pressed, along with the pending applications.

HIMA KOHLI, J.

SUBRAMONIUM PRASAD, J.

JUNE 15, 2020
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