

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

CWP-734-2021

Date of Decision: 24.02.2021.

Om Prakash

...Petitioner

Versus

Union of India and others

....Respondents

CORAM: HON'BLE MR JUSTICE ARUN MONGA

Present: - Mr. Ashok Kumar Chauhan, Advocate,
for the petitioner.

Mr. Arvind Seth, Advocate,
for the Union of India.

ARUN MONGA, J. (ORAL)

In the reply filed by the respondent/UOI, preliminary objection has been taken with regard to the maintainability of the writ petition, on the ground that the Court having appropriate jurisdiction is Armed Forces Tribunal [hereinafter referred to as 'the Tribunal'] as per Section 2 of the Armed Forces Tribunal Act, 2007.

Confronted with the same, learned counsel for the petitioner does not controvert that the real controversy is between the petitioner and the contesting respondent/UOI, who is the current employer and not respondent No.5, who has offered the post of Deputy Superintendent of Police to the petitioner in the State Government. In case the petitioner is relieved from the current position by the current employer, the State Government would be the prospective employer.

Since the *lis* in hand, essentially pertains to the petitioner and the current employer/UOI, the present writ petition is not maintainable on the

ground of alternative remedy as rightly pointed out by the learned counsel for the respondent/UOI.

In the premise, learned counsel for the petitioner seeks to withdraw the writ petition with liberty to approach the Tribunal by filing fresh proceedings in accordance with law.

Disposed of with liberty as aforesaid.

In the parting, it is made clear that the interim order passed by this Court shall continue to operate for a period of 30 days, to enable the petitioner to approach the Tribunal, and thereafter, the Tribunal shall be at liberty to pass any further orders, in accordance with law.

(ARUN MONGA)
JUDGE

24.02.2021

Vivek

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No