

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

CWP-18161-2020.
Date of Decision:-28.01.2021.

Subhash Chander

..... Petitioner

Versus

The Union of India and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR
HON'BLE MRS. JUSTICE ARCHANA PURI**

Present: Mr. Sandeep Bansal, Advocate for the petitioner.

Mr. Satya Pal Jain, Additional Solicitor General for India,
with Mr. Rohit Verma, Advocate, for the Union of India.

SANJAY KUMAR, J. (Oral)

This writ petition was filed due to the denial of interim relief by the Armed Forces Tribunal, Chandigarh Bench, in the case filed by the petitioner, a Risaldar (Subedar) in the Indian Army. His grievance was that he had not been granted extension of service by two years owing to the finding that he was physically unfit. In consequence, discharge order dated 13.08.2019 (Annexure A-5), effective from 31.10.2020, was passed against him. His statutory complaint having been left unaddressed, he approached the Tribunal. However, by order dated 28.10.2020 (Annexure P-1), the

Tribunal denied him the interim relief of staying the operation of the discharge order dated 13.08.2019 (Annexure A-5). It was in these circumstances that he filed the present writ petition.

While ordering notice of motion on 25.11.2020, this Court directed that the release/discharge order dated 13.08.2019 (Annexure A-5) should be kept in abeyance.

This being the factual background, this Court is of the opinion that no purpose would be served in keeping the writ petition pending for adjudication. The Tribunal, which is seized of the matter, would have to decide the issues raised by the petitioner in the first instance and it would be premature for this Court to venture any opinion on merits at this stage.

The writ petition is accordingly disposed of directing that the discharge order dated 13.08.2019 (Annexure A-5) shall remain in abeyance till the disposal of the petitioner's case by the Armed Forces Tribunal, Chandigarh Bench.

No order as to costs.

(SANJAY KUMAR)
JUDGE

(ARCHANA PURI)
JUDGE

January 28, 2021.

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.