

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CWP-10259-2023

Date of Decision: 12.05.2023

Amar Vikrant Vashishta

...Petitioner.

Versus

Union of India and others

...Respondents.

CORAM: HON'BLE MR. JUSTICE M.S. RAMACHANDRA RAO
HON'BLE MRS. JUSTICE SUKHVINDER KAUR

.....

Present: Mr. Rajesh Verma, Advocate for the petitioner.

M.S. RAMACHANDRA RAO, J. (Oral)

Through this Writ Petition, petitioner is challenging the order dt.14.03.2023 in OA No.060/01/2023 passed by respondent No.6 (Central Administrative Tribunal, Chandigarh).

2. The Writ Petitioner had approached the said Tribunal for a direction to the respondents to frame a policy for transfer of civilian employees in the Armed Forces, who were respondents in the OA, by placing reliance on the decision of the Hon'ble Supreme Court in **T.S.R. Subramanian and others Vs. Union of India and others**, Writ Petition (Civil) No.234 of 2011 decided on 31.10.2013.

3. Vide the impugned order, the Tribunal dismissed the OA holding that the Writ Petitioner was not able to convince the Tribunal qua his grievance and as per the provision of Administrative Tribunal Act, 1985 the appellant cannot be a person aggrieved.

4. Challenging the same, this Writ Petition is filed.

5. Learned counsel for the petitioner contended that in the judgment in **T.S. R. Subramanian and others** (supra) certain directions

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had been issued at para 31, directing the Union, State Governments and Union Territories to issue appropriate directions to secure of minimum tenure of service to various civil servants, within a period of three months.

6. However, a perusal of the said judgment indicates that the issue as to framing of a policy to provide minimum tenure of service to civilian or non-civilian employees of Armed Forces was not the subject matter of the Writ Petition.

7. Therefore, the direction contained therein, in our considered opinion would not apply in relation to civilian or non-civilian employees of the Armed Forces as in the instant case.

8. We are further of the opinion that the operational efficiency of the Armed Forces would depend upon the cooperation of the civilian employees as well as non-civilian employees of the Armed Forces, and giving a direction to respondents to frame a policy of providing minimum tenure of service to civilian employees may adversely affect the operational efficiency of the Armed Forces, which may not be in the interest of the nation.

9. Therefore, we are not inclined to entertain the Writ Petition. So, the same is dismissed in limine.

No costs.

(M.S. RAMACHANDRA RAO)
JUDGE

(SUKHVINDER KAUR)
JUDGE

12.05.2023

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