

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

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CWP-3909-2024

Date of Decision :06.03.2024

Lt. Col. Ankush Batra

...Petitioner

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Petitioner in person.

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Harsimran Singh Sethi, J. (Oral)

1. Though, at the outset, it may be noticed that this Court has doubt with regard to the maintainability of the present petition straightway before this Court and without exhausting the remedy before the Armed Force Tribunal and the said question of law is kept open. Petitioner who appears in person submits that his claim for the grant of premature retirement has been rejected by the respondents but under the rules/instructions governing the said aspect, a fresh application can be made by the officer concerned for the grant of premature retirement after the expiry of six months of the rejection.

2. Petitioner further submits that the period of six months for filing the fresh application for grant of premature retirement is going to be over on 13.03.2024, after which, the petitioner intends to file a fresh application for the grant of premature retirement hence the respondents may

kindly be directed to decide the said application in accordance with law.

3. Notice of motion.

4. Ms. Anita Balyan, Advocate appears and accepts notice on behalf of the respondents.

5. Learned counsel for the respondents submits that in case any application is received from the petitioner for the grant of premature retirement, the same will be dealt with in accordance with law as well as rules and regulations of the Army authorities and in case it is found permissible that after 13.03.2024, petitioner has a right to file a fresh application and he exercises the said right, appropriate order on the said application will be passed by the authorities concerned keeping in view the grounds taken therein and if permissible, the said application will be decided on merits by passing a speaking order.

6. At this stage, petitioner submits that earlier rejection for the grant of premature retirement to the petitioner should not be made ground for fresh rejection and the fresh application/representation may kindly be decided in accordance with law keeping in view the facts and circumstances mentioned in the fresh application.

7. Learned counsel for the respondents submits that in case any fresh ground is given in the fresh application seeking premature retirement by the petitioner, the said fresh grounds raised will be dealt with in accordance with law and all the requirements required to be fulfilled by the petitioner to seek voluntary retirement will be assessed on the basis of the rules governing the said aspect.

8. Petitioner submits that keeping in view the facts and

circumstances recorded hereinbefore, present petition may kindly be disposed of having been not pressed any further with liberty to the petitioner to avail an appropriate remedy of filing fresh application/representation before the authorities concerned for the grant of premature retirement.

9. Ordered accordingly.

March 06, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

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