

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(104)

CRM-M-10806-2024
Decided on : 19.04.2024

Lt. Col. Ankush Batra

.....Appellant(s)

Versus

Union of India and others

.....Respondent(s)

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA,
ACTING CHIEF JUSTICE
HON'BLE MS.JUSTICE LAPITA BANERJI

Present: Petitioner in person.

Ms. Anita Balyan, Advocate for the respondents.

G.S. Sandhawalia, Acting Chief Justice (Oral)

1. After arguing for considerable time, the petitioner, who is appearing in person, does not press the present petition. We are also of the considered opinion that the petitioner's interest has been looked after by the learned Single Judge, who passed the order in CWP-3909-2024 decided on 06.03.2024, whereby the following observations were made:-

“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.”

2. In such circumstances, we are of the considered opinion that there is no occasion as such to initiate proceedings of perjury under Section 340(1) Cr.P.C. read with Section 195(1)(b) of Cr.P.C., more so when in the earlier round of litigation in **LPA-932-2023** and **COCp-2251-2023** decided on 05.02.2024 (Annexure P-1), we had also disposed of similar applications, on account of the fact that liberty had already been given to the petitioner to avail his remedy before the learned Single Judge, whose order we have reproduced above.

3. Resultantly, with the aforesaid observations, the present petition stands disposed of.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

(LAPITA BANERJI)
JUDGE

19.04.2024
Naveen

Whether speaking/reasoned :	Yes
Whether Reportable :	No