

127

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-5705-2024

Date of Decision:12.03.2024

SGT PARVEEN SEMWAL

..... Petitioner

Versus

UNION OF INDIA AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Deepak Bhatt, Advocate and
Mr. Ajeet Yadav, Advocate
for the petitioner.

Mr. Geeta Singhwal, Senior Panel Counsel
for the respondents-UOI.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondent No.3-Kendriya Vidhaylaya Sangathan (for short 'KVS') to keep one seat vacant till the adjudication of main dispute by Armed Forces Tribunal, Chandigarh (for short 'AFT').

2. The petitioner is working with Indian Air Force and he has completed service of almost 18 years. He is going to retire on 30.06.2026. He applied for the post of PGT (Physics) in KVS. He came to be selected, however, he could not join because respondent No.2- Indian Air Force did not relieve him. The respondent No.2 has framed a policy with respect to premature retirement and as per said policy, petitioner cannot be relieved. The petitioner for the redressal of his grievance approached AFT, which vide order dated 12.01.2024 (Annexure P-2) permitted the

petitioner to prefer mercy petition for his discharge. The respondent No.2 was also directed to decide mercy petition within 4 weeks from the date of its receipt. The respondent No.2 vide order dated 08.02.2024 rejected mercy petition of the petitioner. The petitioner has preferred fresh application before AFT seeking setting aside of order dated 08.02.2024 passed by Air Force Authorities.

3. The petitioner on the one hand has approached AFT seeking setting aside of order dated 08.02.2024 passed by Air Force Authorities and on the other hand through instant petition is seeking direction to KVS to keep one seat vacant till the conclusion of proceedings by AFT. The petitioner in his OA No.2011/2023 prayed for same interim relief as he is seeking from this Court. The said application was dismissed as not pressed vide order dated 16.02.2024.

4. Learned counsel for the petitioner submits that adjudication of main application by AFT would take quite a long time. The petitioner is assailing policy circular and matter is not likely to be adjudicated in near future. The respondent No.3-KVS would fill up the vacancy by 31.03.2024, resultantly, entire exercise of the petitioner would become futile.

5. The petitioner has concededly approached AFT against order dated 08.02.2024 passed by Air Force Authorities. The petitioner cannot join KVS till he is discharged by Air Force Authorities. The Air Force Authorities have rejected claim of the petitioner on the ground of a policy circular. The petitioner can very well seek interim relief from AFT. Merely the fact that AFT would take long time in adjudicating the main dispute cannot be a ground to approach this Court. No one can be

permitted to avail simultaneously two remedies before two different Courts. AFT is quite competent to redress grievance of the petitioner, thus, this Court does not find it appropriate to invoke its writ jurisdiction under Article 226 of the Constitution of India.

6. Dismissed.

(JAGMOHAN BANSAL)
JUDGE

12.03.2024
Ali

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>