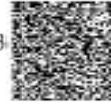


2024.PHHC.111167-DB



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

CWP-20389-2024 (O&M)

Date of Decision: 28.08.2024

Union of India and Ors.

...Petitioners

Versus

Ex. NK Kewal Krishan, No.2477168M, & Anr.

...Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present:- Mr. Amit Arora, Advocate for petitioners.

SUDHIR SINGH, J.

Challenge in the present writ petition is to the order dated 10.10.2022 (Annexure P-1) passed by the Armed Forces Tribunal, Regional Bench Chandigarh at Chandimandir (for short 'the AFT'), whereby the petitioners (Respondents before the learned AFT) have been directed to decide the case of respondent No.1 in terms of the judgment passed by the Larger Bench of the AFT, Principal Bench, New Delhi in O.A. No.1238 of 2016 titled as Smt. Shama Kaur Vs. Union of India & Ors. decided on 01.10.2019.

2. Learned counsel for the petitioner contends that the order dated 10.10.2022 passed by the AFT, is contrary to the existing policies and, therefore, the same is liable to be set aside.

3. A perusal of the impugned order would show that the same was passed on the basis of the consent of the parties. The relevant part of the impugned order reads as under:-

“Learned counsel on both sides have agreed that this matter is covered by the judgment of the Larger Bench of Armed Forces Tribunal, Principal Bench, New Delhi in O.A. No. 1238 of 2016 titled as Smt. Shama Kaur Vs. Union of India & Ors. decided on 01.10.2019. Therefore, the respondents are directed to decide the case in terms of the aforesaid judgment of the Larger Bench within a period of four months from the date of receipt of certified copy of this order by the learned counsel for the respondents/ OIC Legal Cell, failing which the same shall carry an interest @ 8% from the date of this order will realization.”

4. Indisputably, the aforesaid order is a consented order. The order passed in Shama Kaur’s case (supra), relied upon by the learned AFT while deciding the Original Application filed by respondent No.1, has attained finality as no writ petition or appeal has been filed against the said order. Nothing contrary could be shown or referred to by the learned counsel for the petitioners.

5. In view of the above, we do not find any ground to interfere with the order passed by the learned AFT. Hence, the present writ petition is dismissed.

[SUDHIR SINGH]
JUDGE

[KARAMJIT SINGH]
JUDGE

28.08.2024
Himanshu

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