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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 1717/2024, CM APPL. 7098/2024**

**VIJAY KUMAR SAINI, HAV/NA,
NO.15422314F**

..... Petitioner

Through: **Col. Raj Vijay Rohlania (Retd.) and
Ms. Neelam Verma, Advs.**

versus

UNION OF INDIA AND ORS

..... Respondents

Through: **Mr. Neeraj, SPC with Mr. Sahaj
Garg, Mr. Vedansh Anand and Mr.
Mahesh Kr. Rathore, Advs. with
Major Partho, OIC, Legal Cell.**

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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06.02.2024

CM APPL. 7098/2024

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 1717/2024

1. The challenge in this petition is to an order dated December 21, 2023 passed by the Armed Forces Tribunal in OA 4093/2023, wherein the Tribunal while dismissing the OA has in paragraph 3 stated as under:

“3. Having bestowed our anxious consideration on the bulky pleadings filed by the applicant and on going through the records, we find that at this stage interference into the matter is not permissible. A



CoI in the form of disciplinary action/ administrative action against the applicant is still pending. During the pendency of the same, indulgence into the matter by this Tribunal is not called for. That apart, as far as the contention of the applicant with regard to false implication, harassment, violation of his fundamental rights and illegal preventive detention is concerned, these are all issues which cannot be inquired into at this stage by this Tribunal. Ultimately, if the applicant is exonerated of the charges in the CoI or the disciplinary proceedings pending against him, the applicant may have a right to claim the said benefits against the officers concerned in accordance with law.”

2. We have noted the prayers as sought by the petitioner before the Tribunal and agree with the conclusion drawn by the Tribunal in paragraph 3 above.
3. The petition being without any merit, is dismissed.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

FEBRUARY 06, 2024/jg