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

+ **W.P.(C) 4791/2024**

NB SUB BIPUL GOGOI

..... Petitioner

Through: **Mr. Arvind Kumar, Adv.**

versus

UNION OF INDIA & ORS.

..... Respondents

Through: **Ms. Rupali Bandhopadhyaya, CGSC
with Mr. Abhijeet Kumar and Ms.
Neha, GP for UOI with Major Partho
Katyayan, (Army)**

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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03.04.2024

CM APPL. 19606/2024 (for exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 4791/2024

1. The present petition has been filed by the petitioner with the following prayers:

“i. issue appropriate writ or writs in nature of certiorari/prohibition or any other apt writ or order or orders to stay all action consequent thereto and incidental therefrom vis-a-vis the disciplinary proceeding relying upon such Annual Medical Board dated 10.05.2023 and other medical examinations conducted during the trial of SGCM on day to day basis unto the award of sentence dated 27.07.2023

ii. issue appropriate writ or writs in nature of certiorari/prohibition or any other apt writ or order or orders dispose of the petition preferred u/s 164 expeditiously

iii to set aside the impugned order dated 14.03.2024 to the extend it is denying the interim reliefs to the petitioner as an applicant

iv. direct the concerned authorities to initiate a disciplinary action



against the delinquent officer in terms of the criteria laid down by Hon 'ble Supreme Court of India in a case titled UNION OF INDIA AND ORS. vs K. K. DHA WAN vide case No. 266-267 of 1993 decided on date 27.01.1993, against the delinquent officers v. pass the order or orders reserving the tights of the applicant to approach the apt forum, further, in case of contingencies detrimental to the applicant”

2. In effect the petitioner is praying for an order to stay all actions consequent and incidental vis-a-vis disciplinary proceedings relying upon the Annual Medical Board dated May 10, 2023.
3. We have been informed by the learned counsel for the petitioner that the respondents have dismissed the petitioner from service on April 2, 2024.
4. Though the learned counsel for the petitioner states that the same is a mala fide action because of the proceedings initiated before the Armed Force Tribunal, we say nothing on this submission of the learned counsel for the petitioner.
5. In view of the fact that the petitioner has been dismissed from service, the present petition shall not be maintainable.
6. The petition is accordingly dismissed.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

APRIL 3, 2024/So