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

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**W.P.(C) 5305/2024**

**SUB M BISHMA RAO THROUGH PAIROKAR M SUJATHA**

.....Petitioner

Through: Dr.Janak Raj Rana with Mr.Vinod  
Patidar, Advs.

versus

**UNION OF INDIA AND ORS.**

.....Respondent

Through: Mr.Srish Kumar Mishra,  
Mr.Alexandar Matahi Paikaday, Advs &  
Mr.Aakash Pathak, GP.  
Major Anish Muralidhar.

**CORAM:**

**HON'BLE MS. JUSTICE REKHA PALLI**

**HON'BLE MS. JUSTICE SHALINDER KAUR**

**ORDER**

**15.07.2024**

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1. The petitioner, who is working as a JCO in the Indian Army has approached this Court seeking the following reliefs:-

*“A. Issue a writ in the nature of Quo warranto and/or any other appropriate writ/s, order/s or direction/s to declare the action of the respondent no. 5 and 6 of harassing the petitioner vitiated out of vindictiveness as unjust, arbitrary, mala fide, illegal and gross misuse of power*

*B. Issue a writ in the nature of mandamus and/or any other appropriate writ/s, order/s or direction/s to respondent no.1 to 4 to initiate proper disciplinary proceedings against the respondent no. 5 and 6 for gross abuse of power and harassing the petitioner. .*

*C. To pass any such and others orders as this Hon'ble Court may deem fit and proper in the interest of justice.*



*D. Award Costs.”*

2. At the outset, we have put to learned counsel for the petitioner as to how the present petition would be maintainable before this Court, when the petitioner has an effective statutory remedy before the learned Armed Forces Tribunal(the Tribunal). He submits that since the petitioner is aggrieved by colourable exercise of power by the respondent nos.5 & 6, he is entitled to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.
3. Having perused the provisions of Section 3(o) read with Section 14 of the Armed Forces Tribunal Act(the Act), we are of the view that once the petitioner is entitled to approach the learned Tribunal qua any grievance relating to his service matter, except the matters which are excluded specifically under Section 3(o) of the Act, there is no reason for this Court to entertain the present petition under exercise of its extraordinary writ petition. In our considered opinion, the petitioner has not been able to make out any special circumstances for this Court to entertain the writ petition.
4. The writ petition, accordingly, stands dismissed with liberty to approach the learned Tribunal qua the reliefs sought in the petition, which will be considered by the Tribunal on its own merit.

**REKHA PALLI, J**

**SHALINDER KAUR, J**

**JULY 15, 2024/Sr**