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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7288/2024, CM APPLs. 30465/2024 & 30466/2024**
LAC DURGESH KUMAR SONKHUTIYA

..... Petitioner

Through: Mr. Abhishek Kumar and
Mr. P.N. Mishra, Advs.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Piyush Beniwal, Sr. PC, Adv.
with Mr. Vedansh Anand and
Mr. Nikhil Kumar, Advs. for UOI
with WO K.N. Yadav, Sgt. P.G.M.
Prasad, Sgt. Vikram Kumar and Sgt.
Ashok Kumar, (IAF)

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE GIRISH KATHPALIA

ORDER
21.05.2024

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CM APPL. 30465/2024 (for exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 7288/2024, CM APPL. 30466/2024

1. This petition lays a challenge to the order passed by the Armed Forces Tribunal Principal Bench, New Delhi ('AFT', for short) in MA No.1214/2024 which is an application filed in Original Application No.679/2024 wherein the petitioner had sought stay against his discharge. The AFT had rejected the prayer.
2. In fact, we find that the AFT had earlier rejected the prayer on



February 28, 2024. The prayer for stay was made in view of order passed by the AFT, Regional Bench, Kolkata in MA No.1214/2024, by contending that the AFT, Regional Bench, Kolkata in similar facts has stayed the discharge of the Officer therein. The Tribunal was of the view that the order of the AFT Regional Bench, Kolkata was an unreasoned order and the same shall not have any precedential value. Further, the respondents intend to move an application for vacation of stay before the AFT Regional Bench, Kolkata.

3. We agree with the conclusion drawn by the AFT that a non-speaking order shall not have any precedential value. Even otherwise, it is an interim order of the AFT which is a discretionary relief, granted by the AFT. Even otherwise, if the prayer, as sought by the petitioner, is granted, the same shall amount to grant of the final relief in favour of the petitioner.

4. It goes without saying, if the petitioner succeeds before the AFT, he shall be entitled to the relief, which he is seeking finally in the OA. We are not inclined to interfere with the impugned order. The writ petition along with pending application are dismissed.

V. KAMESWAR RAO, J

GIRISH KATHPALIA, J

MAY 21, 2024/aky