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

+ **W.P.(C) 14001/2023 & CM APPL. 55361/2023**

MAJOR PREETI YADAV AND ANRPetitioners

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

versus

UNION OF INDIA AND ORS

.....Respondents

Through: **Mr. Satya Ranjan Swain, SPC**
with **Mr. Rudra Paliwal and Mr.**
Kautilya Birat, Advs. for UOI
with **Major Anish Muralidhar,**
Army.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

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03.10.2024

1. This petition has been filed challenging the Order dated 27.09.2023 passed by the learned Armed Forces Tribunal (AFT) in Original Applications (OAs) No.817-818/2023, whereby the learned AFT vacated the interim order of protection granted in favour of the petitioners, and permitted the respondents to discharge the petitioners from service, however, further observing that if ultimately the applicants therein are held entitled to get pension or to be continued beyond 14 years in service, appropriate orders would be passed.

2. *Vide* Order dated 20.10.2023, this Court while issuing notice of this petition to the respondents, observed that in case the petitioners are relieved from service, the same would be subject to further orders



to be passed by this Court.

3. We are informed that the OAs before the learned AFT are now listed for final hearing on 04.12.2024.

4. Learned counsel for the petitioners submits that the petitioners have, in fact, served till 20.10.2023, however have been shown to be relieved from service from a backdate, that is with effect from 21.03.2022. He submits that this would be totally illegal.

5. We are of the opinion that this issue should also be considered by the learned AFT while considering the OAs filed by the petitioners. For the present, the petitioners stand relieved from service, hence, no relief can be granted in this petition.

6. At this stage and in this petition, we need to only clarify and reiterate that the discharge of the petitioners from service and the disposal of this petition shall not prejudice the case of the petitioners before the learned AFT, and the OAs pending before it shall be decided in accordance with law. The learned AFT shall remain uninfluenced by any order passed in the present petition.

7. With the aforesaid directions, the present petition along with pending application stands disposed of.

NAVIN CHAWLA, J

SHALINDER KAUR, J

OCTOBER 3, 2024/ab/F/as

Click here to check corrigendum, if any