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

+ **W.P.(C) 10445/2024**

MAJ GIRISH SINGH THAKUR & ORS.

.....Petitioners

Through: Mr. Indra Sen Singh, Mr. Abhishek
Singh and Mr. Nasir Mohd., Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Harish Vaidyanathan Shankar,
CGSC with Mr. Anubhav Tyagi and
Mr. Srish Kumar Mishra, Advs.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

07.08.2024

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CM APPL. 43006/2024 –Ex.

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(C) 10445/2024, CM APPL. 43005/2024 –Int. dir.

3. The petitioners have approached this Court assailing the interim order dated 29.05.2024 passed by learned Armed Forces Tribunal in a batch of OAs including OA No. 1613/2024. Vide the impugned order, the learned Tribunal has directed the respondents to restore six vacancies for 'Other Arms and Services' to which branch the petitioners belong, for the purpose



of admission to the M-Tech course under the PGT scheme.

4. After some arguments, learned counsel for the petitioners submits that instead of pressing the present petition, the petitioners will seek disposal of their OAs, which are listed for final hearing on 21.08.2024 before the learned Tribunal. He, however, prays that it may be clarified that in case the petitioners succeed in the OAs, the mere fact that they may become overage during the intervening period will not come in the way of they being granted appropriate relief.

5. We find merit in this submission of the learned counsel for the petitioners as we are of the view that once their OA is pending consideration before the learned Tribunal, the petitioners cannot be at a later stage told that even if they succeed in the OA, they cannot be granted any relief. We, therefore, dispose of the petition as not pressed by making it clear that in case, the petitioners succeed in the pending OAs, it will be open for the learned Tribunal to pass appropriate consequential orders in accordance with law.

REKHA PALLI, J

SHALINDER KAUR, J

AUGUST 7, 2024/ss