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

+ **W.P.(C) 11660/2024**

CMD BHAGIRAT SINGH JAT (13893584 F)Petitioner

Through: Mr. Ajit Kakkar, Adv.

versus

UNION OF INDIA AND ORS.Respondents

**Through: Mr. Jivesh Kumar Tiwari, SPC with
Ms. Samiksha, Adv. and Major Anish
Muralidhar.**

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

23.08.2024

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1. The petitioner, who was serving as a Civilian Cleaner in the Indian Army, has approached this Court under Article 226 of the Constitution of India seeking the following reliefs:

“(a) To pass a Writ in the nature of Certiorari for setting aside the Show Cause Notice dated 19.12.2003 and discharge order dated 02.01.2004 in respect of the Petitioner.

(b) To pass a Writ in the nature of Certiorari for setting aside the Impugned Judgment of Hon'ble Armed forces tribunal, Regional Bench Jaipur dated 25.02.2010.

(c) To adjudicate the matter based on the status of the petitioner as civilian employee of the Army and Pass a Writ in the nature of Mandamus directing the Respondents to reinstate the petitioner notionally for granting of the pensionary benefits and other consequential benefits arising out of the service of the Petitioner.

(d) Issue any other/further direction as this Hon'ble High Court may deem fit in the facts of the case.”



2. At the very outset, we have put to the learned counsel for the petitioner as to how this Court can even examine the correctness of the impugned order passed by the Armed Forces Tribunal, Regional Bench, Jaipur (“Tribunal”) on 25.02.2010 when his statutory appeal against the said order stands already rejected by the Hon’ble Supreme Court on 07.01.2021. His only response thereto is that since the Hon’ble Supreme Court had dismissed the appeal only on the ground of delay, this Court can still examine the correctness of the impugned order passed by the learned Tribunal on merits.

3. We, however, find absolutely no merit in this plea. In our view, once the petitioner’s challenge to the impugned order passed by the Tribunal stands rejected by the Apex Court, the petitioner cannot assail the same order before this Court. The petition, being wholly misconceived, is dismissed.

REKHA PALLI, J

SHALINDER KAUR, J

AUGUST 23, 2024/ss