



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

113+237

**CM-14704-CWP-2025 in/and
CWP-16291-2025 (O&M)
Decided on : 16.10.2025**

UNION OF INDIA AND OTHERS

. . PETITIONERS

Versus

BHAVESH KUMAR AND ANOTHER

. . . RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL**

PRESENT: Ms. Neha Jain, Senior Panel Counsel
for the petitioners.

Mr. Navdeep Singh, Advocate with
Ms. Simran Atwal, Advocate and
Ms. Roopam Atwal, Advocate
for respondent No. 1.

HARSIMRAN SINGH SETHI , J. (Oral)

1. In the present petition, the challenge is to the interim order dated 13.03.2025 (Anneuxre P-10) passed by respondent No. 2-Armed Force Tribunal, Regional Bench, Chandigarh (hereinafter referred to as 'the Tribunal') by which the order of suspending the respondent dated 25.03.2021 (Anneuxre P-2) has been stayed.

2. Learned counsel for the petitioners argues that by way of an interim order dated 13.03.2025 (Anneuxre P-10), the main relief sought in the original application No. 112 of 2025 filed by the applicant/respondent No. 1 has been granted which is impermissible and therefore, unless and until the final order is passed by the Tribunal, the grant of interim order, staying the order of suspension, would not be justified.

3. Learned counsel for the respondents submits that though an interim order dated 13.03.2025 (Anneuxre P-10) has been passed by the



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Tribunal staying the operation of the suspension order of respondent No. 1 dated 25.03.2021 (Anneuxre P-2), but, the same was done keeping in view the conduct of the petitioners before the Tribunal as they failed to file reply to the original application despite repeated adjournments.

4. Learned counsel for the respondents further submits that the suspension of respondent No. 1 was being continued for the last four years and that too contrary to the mandate of the Rules regarding the Suspension of an Army Officer and it was under these circumstances, the interim order dated 13.03.2025 (Anneuxre P-10) was passed by the Tribunal staying the operation of the suspension order of the respondent No. 1, hence, the same may kindly be upheld.

5. Learned counsel for the respondents further submits that even otherwise suspension allowance even at lesser quantum has not been paid to the respondent No. 1, the order of suspension even otherwise become inoperative as the right to live a dignified life as enshrined under Article 21 of the Constitution of India, which is also applicable upon a suspending officer, has been violated.

6. We have heard learned counsel for the parties and have gone through the case file with their able assistance.

7. It may be noticed that in case, the petitioners were not filing the reply to the original application, nothing prohibited the Tribunal to decide the issue finally on the basis of the pleadings already available on record, rather than granting the interim order in favour of the respondent, which will amount to grant of final order. Tribunal should have decided the main original application on basis of record already available on the date of the passing of the interim order dated 13.03.2025 (Anneuxre P-10).



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8. As per the settled principle of law, the main relief which has been prayed for, cannot be granted by way of an interim order, unless and until exceptional circumstances arise, which will cause irreparable loss to the party seeking interim relief in case interim relief is not granted.

9. The facts of the present case does not reveal that any such reasons have been given by the Tribunal while staying the order of suspension that the same will cause irreparable loss to the respondent No. 1 in case, the said order of suspension is allowed to be continued.

10. Keeping in view the above facts and circumstances of the present case, the interim order dated 13.03.2025 (Anneuxre P-10) is hereby set-aside. Consequently, as per the joint request of the parties, the hearing of the original application before the Tribunal is preponed from 26.03.2026 to 3.11.2025. It is made clear that in case, the reply is not filed by the Union of India by 15.11.2025, the Tribunal will be free to decide the issue raised in the original application finally on the basis of pleadings already available on record.

11. As respondent No. 1 has been kept under suspension for a sufficiently long time and nothing has come on record as of now, that the charge sheet has been filed in the FIR dated 13.03.2021 (Annexure P-1) lodged by Central Bureau of Investigation and Anti-Corruption Bureau, New Delhi under Sections 7, 7A, 8 and 12 of the Prevention and Corruption Act, 1988 and Section 120-B of the Indian Penal Code against respondent No. 1, **the Tribunal is requested to dispose of the main original application No. 112 of 2025 filed by the applicant/respondent No. 1 by 31.12.2025.**

12. After passing of the interim order by the Tribunal dated 13.03.2025 (Anneuxre P-10) which has been set-aside in the present



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proceedings, this Court has been informed that respondent No. 1 was reinstated in service on 21.04.2025 and the said reinstatement has been super-ceded by three orders passed by the authorities concerned dated 14.10.2025 retrospectively extending the suspension period. The Tribunal is free to adjudicate the said issue whether, the respondent has actually discharged the duty for a certain period, if yes, will he be entitled for the salary for the said period or not.

13. It may be noticed that the grievance has been raised that the entitled suspension allowance has not been released in favour of respondent No. 1. The said issue will also be decided by the Tribunal while deciding on the suspension order and in case, the respondent No. 1 has not been paid entitled subsistence allowance for any period, appropriate direction required will also be issued by the Tribunal on the said aspect. This order is being passed by this Court as in case of non-extending of the entitled subsistence allowance to respondent No. 1 during the time of his suspension, then the suspension of the respondent No. 1 cannot be allowed to continue so as to cause prejudice to a suspended officer.

14. The present petition is disposed of in above terms.

15. Pending civil miscellaneous application(s), if any, stand disposed of.

(HARSIMRAN SINGH SETHI)
JUDGE

(AMARINDER SINGH GREWAL)
JUDGE

16.10.2025

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No