



2025:DHC:1627-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI*****Date of decision: 12.03.2025***

+ W.P.(C) 3198/2025

LT COL JASPREET KAUR

.....Petitioner

Through: Mr. Ankur Chhabra, with Mr.
Deepak Kumar Thakur, Adv.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr.Jagdish Chandra, CGSC
with Ms.Archana Surve, GP
and Mr.Subham Kumar Mishra,
Adv. for R-1 to R-3
Col Sarika, Lt Col Deepak
Ranva, Major Anish Murlidhar
and Major Tarun**CORAM:****HON'BLE MR. JUSTICE NAVIN CHAWLA****HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR****NAVIN CHAWLA, J. (ORAL)****CM APPL. 14929/2025**

1. Allowed, subject to all just exceptions.

W.P.(C) 3198/20252. This petition has been filed by the petitioner being aggrieved by the Order dated 24.02.2025 passed by the learned Armed Forces Tribunal, Principal Bench, New Delhi (hereinafter referred to as the "learned Tribunal") passed in Original Application No. 2482/2023 (O.A.) titled *Maj Jaspreet Kaur v. Union of India & Ors.*. By the said



order, although the submissions of the learned counsels for the parties were heard and orders were reserved, no *interim* protection was granted to the petitioner. In fact, there is not even a consideration of the said prayer.

3. The learned counsel for the petitioner submits that the petitioner is due to be released as a Short Service Commissioned officer on 18.03.2025. He submits that the learned Tribunal has orally indicated that it would not be possible for the learned Tribunal to pronounce the Judgment before the said date. He submits that, therefore, the OA filed by the petitioner itself would become infructuous, and the petitioner would be left remediless without being heard.

4. He further submits that the petitioner has a good *prima facie* case inasmuch as her challenge to the Confidential Report (in short, 'CR') for the period of 31.03.2019 to 31.10.2019 has almost been conceded by the respondents in the counter affidavit filed before the learned Tribunal. He further submits that the CR for the period from 01.11.2017 to 10.04.2018 has also been wrongly excluded from consideration by the respondents for the purposes of granting a Permanent Commission to the petitioner, even though the petitioner has been graded as 'outstanding' in the same. He submits that the number of vacancies has also been wrongly calculated by the respondents.

5. On the other hand, the learned counsel for the respondents, who appears on advance notice of this petition, submits that the learned Tribunal was apprised of the fact that the Supreme Court by its Order dated 24.02.2025, passed in *Maj Avinish Shukla v. Union of India &*



Ors. (Civil Appeal Dy No. 57908/2024), had protected the appellant therein only to a limited extent that the release of the appellant therein from service shall be subject to the outcome of the said appeal. She submits that considering the said fact, the learned Tribunal did not grant any *interim* protection to the petitioner in the present case. She further submits that the contentions raised by the petitioner have been duly answered by the respondents, and Judgment has been reserved by the learned Tribunal. She submits that it would not be proper for this Court to carry out a parallel hearing on these submissions.

6. She assures this Court that as far as the direction by the learned Tribunal to hand over the the original record to it, the same shall be duly complied with and the records submitted with the learned Tribunal today itself. She further submits that the written submissions in terms of the Order dated 24.02.2025 of the learned Tribunal, shall be positively filed by the respondents by 17.03.2025.

7. We have considered the submissions made by the learned counsels for the parties.

8. We are in agreement with the submission made by the learned counsel for the respondents that once the learned Tribunal has already heard the primary dispute between the parties and has reserved its Judgment on the same, we should not proceed to re-consider the same in a parallel proceedings. Therefore, we refrain ourselves from making any comment on the merits of the dispute that is pending before the learned Tribunal. We confine ourselves only to the *interim* protection that needs to be granted to the petitioner herein.

9. In ***Maj Avinish Shukla*** (supra), the Supreme Court has



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protected the appellant therein by directing that her release from service shall be subject to the outcome of the appeal. We have today itself followed the said order in two Writ Petitions, being W.P.(C) 3195/2025 titled *Maj Paneet Gill v. Union of India Through & Ors.*, and also in W.P.(C) 3213/2025 titled *Maj Rashi Mishra Vs. Union of India Through & Ors.* We are of the opinion that similar protection needs to be extended to the petitioner as well.

10. Accordingly, we dispose of this petition by directing that in case the Judgment of the learned Tribunal is not pronounced in the OA pending before it, before 18.03.2025, the release of the petitioner from service shall be subject to the outcome of the said OA.

NAVIN CHAWLA, J

HARISH VAIDYANATHAN SHANKAR, J

MARCH 12, 2025/sg/DG

Click here to check corrigendum, if any