



2025:DHC:127-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 10.01.2025

+ W.P.(C) 216/2025
EX CPO JITENDRA SINGHPetitioner
Through: Mr.Prashant Vaxish and
Mr.Yash Chavan, Advs.
versus
UNION OF INDIA & ORS.Respondents
Through: Mr.Syed Abdul Haseeb, CGSC

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MR. JUSTICE RAVINDER DUDEJA

NAVIN CHAWLA, J. (Oral)

CM APPL. 981/2025 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 216/2025 & CM APPL. 980/2025

2. This petition has been filed by the petitioner, challenging the Order dated 10.12.2024 passed by the learned Armed Forces Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'learned AFT'), in MA 5314/2024 in OA No. 1375/2023 titled ***Ex CPO Jitendra Singh v. Union of India & Ors.***, whereby the learned AFT dismissed the application filed by the petitioner seeking an early hearing of the Original Application (OA) filed by him, observing that no case for hearing the same out of turn is made out.

3. The learned counsel for the petitioner submits that the petitioner has been terminated from service pursuant to a farcical Summary



2025:DHC:127-DB



Trial, wherein the confession of the petitioner was taken by force. He submits that the petitioner has challenged the same in form of the above-mentioned OA, however, the learned AFT has not considered the same expeditiously, thereby causing prejudice to the petitioner.

4. He further submits that, pursuant to our Order dated 20.11.2024 passed in WP(C) 16068/2024, the petitioner had filed the above application before the learned AFT for seeking an expedited hearing of the OA, including the *Interim* relief prayed therein, however, the learned Tribunal has once again rejected the same by way of the Impugned Order.

5. We have considered the submissions made by the learned counsel for the petitioner.

6. In our view, while exercising our powers under Article 226 of the Constitution of India, we cannot monitor the Board of the learned AFT. The learned AFT, upon considering the submissions made by the learned counsel for the petitioner, has held that there is no reason to expedite the hearing of the OA and for it to be taken out of turn. There is no legal infirmity in the said Order which would warrant interference of this Court in exercise of its power under Article 226 of the Constitution of India. The petitioner, instead of filing an application seeking expedited consideration of the interim relief by the learned AFT, for which leave and liberty had been granted by our order dated 20.11.2024 passed in WP(C) 16068/2024, filed the application seeking expedited hearing of the OA itself. The learned AFT has expressed its inability to give an out of turn hearing to the



2025:DHC:127-DB



OA filed by the petitioner. We cannot fault the learned AFT for the same.

7. Accordingly, we do not find any merit in the present petition, however, this shall not bar the petitioner from filing another application before the learned AFT in the event of a change in circumstance or in case the OA is not heard within a reasonable period of time.

8. The petition is accordingly disposed of.

NAVIN CHAWLA, J

RAVINDER DUDEJA, J

JANUARY 10, 2025/sg/DG

Click here to check corrigendum, if any