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

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Date of Decision : 13.03.2026

+ **W.P.(C) 3245/2026 CM APPL. 15593/2026 CM APPL. 15594/2026**

LT COL HARPREET KAUR BAHIAPetitioner

Through: **Mr SS Pandey and Mr Roshan
Kumar, Adv.**

versus

UNION OF INDIA & ORS.Respondents

Through: **Mr. Manish Sharma, GP for UOI
Major Tarun Pillai, Major Birindre
Singh MS Legal and Major Kanika
Sharma**

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

V. KAMESWAR RAO, J. (ORAL)

CM APPL. 15594/2026 (for exemption)

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

W.P.(C) 3245/2026

3. This petition has been filed by the petitioner with the following prayers:

“a) Issue an appropriate writ, order or direction including writ of certiorari thereby calling for the original records based on which



Ld. Tribunal dismissed the O.A. no. 280 of 2024 filed by the petitioner vide it's impugned judgement dated 30.05.2025 affirming the actions of the Respondents denying permanent commission to the Petitioner as well as the impugned order dated 26.02.2026 issued by the Respondents vide which the release of the Petitioner consequent to denial of PC was issued and thereafter quash the same;

(b) Issue a writ of mandamus thereby directing the Respondents to take appropriate action in terms of the directions as and when the same is issued by the Hon'ble Supreme Court in CA 9747-9757/2024.

(c) Issue any other/further direction as this Hon'ble Court may deem fit in the facts and circumstances of the case."

4. In effect, the petitioner is challenging an order passed by the Armed Forces Tribunal dated 30.05.2025 insofar as it relates to Original Application being OA 280/2024. The only submission made by Mr. SS Pandey, learned counsel for the petitioner is that the petitioner has sought her permanent commission in the Army based on the judgment rendered by the Supreme Court in the case of **Lt. Col. Nitisha and Ors. v. Union of India¹**.

5. He states that identical issue is pending consideration before the Supreme Court in a batch of writ petitions which has been reserved for judgment by the Supreme Court in **Lt. Col. Pooja Pal & Ors. v. Union of India & Ors. in Civil Appeal Nos. 9747-9757/2024**.

6. He relies upon the orders passed by the Supreme Court in the aforesaid SLP to contend that the protection given by the Supreme Court shall also cover the Officers whose cases are subjudice before the Armed

¹ 2021 SCC OnLine 261



Forces Tribunal or the High Courts. In other words, he seeks protection inasmuch as the petitioner should not be released from service pending the decision of the Supreme Court.

7. On the other hand, the Officers who appear for the respondents submit that, pursuant to the decision by the Tribunal, the respondents have proceeded to release the petitioner from service on 16.03.2026. He also draws our attention to page 54 of the paper book to contend that the order passed by the Tribunal in the OA was an order based on the submission made by the counsel for the petitioner, and as such, the necessary consequence is that the petitioner shall stand released on 16.03.2026.

8. Having heard the learned counsel for the parties and noting the fact that Mr. Pandey is seeking the benefit of the protection granted by the Supreme Court in **Lt. Col. Pooja Pal & Ors. v. Union of India & Ors.** (supra) and also considering that the issue is pending before the Supreme Court, wherein the Supreme Court has reserved the appeals for judgment, and we have been informed similar petitioner(s) whose OAs have been decided by the Tribunal, have approached the Supreme Court, appropriate shall be for the petitioner to approach the Supreme Court.

9. At this stage, Mr. Pandey submits that since the release of the petitioner is on 16.03.2026, the respondents should be restrained from releasing the petitioner for 15 days from today to enable the petitioner approach the Supreme Court.

10. The Officers have left it to the Court to pass appropriate orders.

11. Having noted the submissions of the counsel and the Officers for the respondents, we deem it appropriate to extend the release of the petitioner



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till 23.03.2026, 5 P.M. to enable the petitioner approach the Supreme Court by way of an appropriate petition.

12. This petition is closed. Pending applications (if any) are disposed of.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

MARCH 13, 2026/msh