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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 18927/2025**
UNION OF INDIA AND ORS

.....Petitioners

Through: Mrs. Anubha Bhardwaj, CGSC, Ms. Anchal Kashyap, Ms. Ananya Shamsbery, Ms. Riddhi Grover and Mr. Mayank Bawa, Advs., Major Anish Muralidhar and Major Kanika Sharma.

versus

EX MAJ VIVEK PRAKASH

.....Respondent

Through: Mr. S. S. Pandey and Mr. Roshan Kumar, Advs.

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+ **W.P.(C) 1760/2026**
UNION OF INDIA & ORS.

.....Petitioners

Through: Mr. Ranjeet Pandey, SPC, Major Anish Muralidhar and Major Kanika Sharma.

versus

EX MAJ RANVIR SINGH

.....Respondent

Through: Mr. S. S. Pandey and Mr. Roshan Kumar, Advs.

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+ **W.P.(C) 2581/2026**
UNION OF INDIA AND ORS

.....Petitioners

Through: Mr. Varun Vats, SPC, Major Anish Muralidhar and Major Kanika Sharma



versus

EX CAPT S.S. PAWAR

.....Respondent

Through: Mr. S. M. Dalal, Adv.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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25.02.2026

CM APPL. 10986/2026 in W.P.(C)-18927/2025

1. This is an application filed by the petitioner seeking early hearing.
2. For the reasons stated in the application, the application is allowed.

W.P.(C) 18927/2025

W.P.(C) 1760/2026 CM APPL. 8572/2026

W.P.(C) 2581/2026 CM APPL. 12560/2026

3. An issue of non-maintainability of these petitions has been raised by the counsel appearing for the respondents on the ground that, on the petitioners filing applications before the Tribunal seeking leave of Tribunal to file appeal challenging the impugned order of the Tribunal in these petitions before the Hon'ble Supreme Court as per Section 31 of the Armed Forces Tribunal Act, 2007, the same having been granted by the Tribunal, these petitions are liable to be closed to enable the petitioners approach the Hon'ble Supreme Court.

4. Though, it is contended by the petitioners that in view of the position of law as settled by the Supreme Court in *Union of India & Ors. v. Parashotam Dass, reported in 2025 (5) SCC 786*, these petition shall be



maintainable in this Court, we are of the view, the petitioners should approach the Hon'ble Supreme Court more so in view of a recent order passed by the Hon'ble Supreme Court on 16.12.2025 in the case of **Sandeep Mehta v. Union of India & Ors., Civil Appeal Diary No.64474/2025** in the following manner:-

- “1. This civil appeal has been filed against an order of the Armed Forces Tribunal, Principal Bench, New Delhi dated 19.08.2025 in O.A. No.5064 of 2024.. As the AFT has not granted leave to appeal, in light of the decision of this Court in Union of India and others vs. Parashotam Dass reported in (2025) 5 SCC 786, we deem it appropriate to dispose of this appeal by giving liberty to the appellant to challenge the order impugned by invoking the jurisdiction of the High Court under Articles 226/227 of the Constitution of India. In case, the appellant is aggrieved by the order of the High Court, he would be at liberty to take appropriate remedy thereafter.*
- 2. With the aforesaid liberty, the appeal stands disposed of,*
- 3. It is made clear that we have not expressed any opinion on the merits of the case.*
- 4. Application for leave to appeal is disposed of in terms of this order.*
- 5. All pending applications shall stand disposed of.”*

5. A perusal of the order would reveal that the Hon'ble Supreme Court by noting the fact that, as the AFT has not granted leave to appeal and in the light of the judgment of the Court in **Parashotam Dass (supra)**, had granted liberty to the appellant therein to challenge the impugned order by invoking the jurisdiction of the High Court under Article 226 and 227 of the Constitution of India, whereas in these petitions, the Tribunal has in fact granted leave to appeal to the petitioners to approach the Hon'ble Supreme



Court. If that be so appropriate for the petitioners is to approach the Hon'ble Supreme Court against the order(s) passed by the Tribunal, which are impugned in these petitions.

6. Accordingly, we treat these writ petitions as closed.

7. At this stage, the learned counsel for the petitioners state as the petitioners intend to file SLPs before the Supreme Court in next twelve weeks, the operation of the impugned order be stayed as the respondents herein have filed execution proceedings. On this submission, the learned counsel for the respondents assures the Court that they shall not press the execution proceedings pending before the Tribunal for 12 weeks from today. The submission of the learned counsel for respondents is taken on record.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

FEBRUARY 25, 2026/sr