

COURT NO. 1, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

93.

OA 1458/2022

Col Gulshan Saini

... Applicant

Versus

Union of India &Ors.

... Respondents

For Applicant : Shri Ankur Chhibber, Advocate

For Respondents : Gp Capt Karan Singh Bhati, Sr CGSC

CORAM :

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE LT GEN C P MOHANTY, MEMBER (A)

O R D E R
25.07.2023

Heard. Order reserved.

2. The matter was heard by us today and we have reserved the order. While hearing the matter and reserving it for judgment, learned counsel for the applicant argued that the applicant would be discharged on attaining the age of superannuation on 31st July, 2023 and in case, his application is allowed and he is promoted to the next higher rank, he will get 2 years extension of service for superannuation in the promoted post. Therefore, the prayer is that till the decision on the application, the retirement be stayed.

3. We have gone through the original records of the Selection Board Proceedings and considering various aspects

at the time of hearing and on going through the various issues involved in the matter, particularly the Promotion Board, we find that the prima facie case is made out in favour of the petitioner and in the interest of the justice it requires that till the decision is taken finally by us on the application, discharge/superannuation of the applicant to be kept in abeyance. If the applicant is discharged now and ultimately, if application is allowed, it may create complication and will have adverse impact on the applicant's career.

4. Keeping in view the aforesaid, as an interim measure, we direct the respondents to keep in abeyance the discharge/superannuation of the applicant, till the pronouncement of the judgment. All endeavour would be made for pronouncement at an earlier date.

5. A copy of this order be provided DASTI to learned counsel for both the parties.

[RAJENDRA MENON]
CHAIRPERSON

[C. P. MOHANTY]
MEMBER (A)

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