

**COURT NO. 1, ARMED FORCES TRIBUNAL**  
**PRINCIPAL BENCH, NEW DELHI**  
**(Through Video-Conferencing)**

28.

**MA 2053/2020 in OA 824/2019**

**In the matter of :**

**Cdr Umesh Ridhi**

**... Applicant**

**Versus**

**Union of India & Ors.**

**... Respondents**

**For Applicant : Shri Santhosh Krishnan, Advocate**

**For Respondents : Shri Harish V. Shankar, Advocate**

**WITH**

29.

**MA 2054/2020 in OA 1334/2017**

**In the matter of :**

**Cdr Manisha Gehlaut**

**... Applicant**

**Versus**

**Union of India & Ors.**

**... Respondents**

**For Applicant : Shri Santhosh Krishnan, Advocate**

**For Respondents : Gp Capt Karan Singh Bhati, Sr. CGSC**

**CORAM :**

**HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON**  
**HON'BLE LT GEN P.M. HARIZ, MEMBER (A)**

**O R D E R**  
**08.01.2021**

Respondents have not filed their reply or counter affidavit to the prayer made in this application. On the contrary, it is pointed out that the applicants in both the cases have filed certain application for intervention in a proceeding initiated by another employee, namely, Lt Cdr Harmeet Kaur, and it is stated that till the decision is taken on the matter pending

before the Hon'ble Supreme Court, these cases may be adjourned. We are of the considered view that the application filed by the applicants in the case of Lt Cdr Harmeet Kaur pending in the Hon'ble Supreme Court is only by way of intervention for the purpose of clarification of certain legal issues and as Intervenors, they have not made any specific prayer or claim before the Hon'ble Court. The claim made by the applicants in these applications is based on the judgment rendered by the Hon'ble Supreme Court on 17.03.2020 and they pray that either their case may be considered for permanent commission and decision taken or in the alternative, as directed by the Hon'ble Supreme Court, they will be entitled to pension.

It is argued by Shri Krishnan, learned counsel for the applicants, that the respondents should take a decision either way and bring on record the said decision so that the applicants can proceed in the matter in accordance with law.

We find the submissions made by Shri Krishnan to be appropriate and direct the respondents to file their counter affidavit on merit with regard to the claim made in both the cases and show cause as to why the benefit based on the judgment rendered by the Hon'ble Supreme Court on 17.03.2020 is not being extended to the applicants.

Let the counter affidavit(s) of the competent officer be filed within four weeks with copy to the counsel for the applicants.

List the matters on **12<sup>th</sup> February, 2021**. Till then the interim protection granted to the applicants shall continue to remain in operation.

Copy of this order be given ***'Dasti'***.

**[JUSTICE RAJENDRA MENON]**  
**CHAIRPERSON**

**[LT GEN P.M. HARIZ]**  
**MEMBER (A)**

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