

**COURT No.2, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

4.

OA 824/2019

Cdr Umesh Ridhi

... Applicant

Versus

Union of India & Ors.

...Respondents

For Applicant : Mr. Pranav Chadha, Advocate
For Respondents : Mr. Harish V Shankar, Advocate

CORAM:

**HON'BLE MR. JUSTICE V.K. SHALI, MEMBER (J)
HON'BLE LT. GEN. PHILIP CAMPOSE, MEMBER (A)**

**ORDER
27.05.2019**

We have heard the learned counsel for the parties. Learned counsel for the applicant has contended that there is already an Interim Order passed in this matter to the effect that the decision in the instant application shall be subject to the decision of the Hon'ble Supreme Court in OA 1202/2017 titled Cdr. Shivani Vs. Union of India & Ors.

2. It has been further contended that since the applicant is likely to complete his tenure of 14 years sometime in earlier August, 2019, therefore, he is being subjected to unnecessary tension and worries.

3. It has been contended by the learned counsel for the applicant that applicant has prima facie a good case. Balance of convenience is in favour of the applicant as he is still in service and he will suffer irreparable loss if the ad-interim protection is not granted in his favour during discharge because the respondents will start the process of relieving each of the applicant as early as in July 2019.

4. Learned counsel for the respondents has stated that although the decision was taken in principal by the Government of India with regard to grant of Permanent Commission to all the Officers in certain specialized branches, however it has resulted in a stacking effect as a consequence of which the cadre strength of each of the specialized branch has increased considerably causing unnecessary burden on the exchequer. It has been stated that they may be permitted to file detailed affidavit in this regard and the Interim Order for protecting the applicant may be deferred till July 2019.

5. We have considered rival contentions. We feel that no serious prejudice would be caused to the respondents in case ad interim protection is given to the applicant against his being discharged on the next date of hearing and in the meantime, the respondents may do the exercise which they want to do & complete and file an additional affidavit bringing it to the notice of the Tribunal.

6. The respondents should also be permitted to complete the pleadings in such of the matters in which the pleadings are not completed.

7. Ordered accordingly.

8. List the matter along with batch of matters i.e OA 2116/2018 on **11th July 2019.**

9. **“DASTI”.**

**[JUSTICE V.K.SHALI]
MEMBER (J)**

**[LT. GEN. PHILIP CAMPOSE]
MEMBER (A)**