

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

142.

OA 2560/2023 with MA 5052/2023

Swr/NA (VET) Mohe Digambar Pundlikarao ... Applicant

Versus

Union of India & Ors. ... Respondents

For Applicant : Mr. Rakesh Kumar Yadav, Advocate
For Respondents : Mr. Avdhesh Kumar Singh, Advocate

CORAM :

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON

HON'BLE LT GEN P.M. HARIZ, MEMBER (A)

O R D E R
29.11.2023

MA 5052/2023

Counter affidavits has been filed. There being delay in filing the same, this application has been filed seeking condonation of delay. Delay is condoned. Counter affidavits are taken on record. MA stands disposed of.

OA 2560/2023

Having heard learned counsel for the parties, as the statutory period of contract has been extended on account of change of policy and it has been affected while the applicant is in service, for the present we see no case made out for grant of any interim relief. The general principle applicable to estoppels and other acts by the respondents in the matter of changing the contract of service has to be applied in the case of a man in uniform after taking note of requirement of Article 33 of the Constitution and therefore the general principle cannot be ipso facto applied without taking note of various other factors. Accordingly, we see no ground to grant any interim relief.

The prayer for interim relief stands rejected. Counter affidavit has been filed.

The matter be placed for final hearing on **26.04.2024**.

‘DASTI’

**[RAJENDRA MENON]
CHAIRPERSON**

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

/sm/