

IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

18.

OA 276/2011

Brig PS Gill .....Petitioner

Versus

UOI & Ors. ....Respondents

For petitioner : Mr K Ramesh, Advocate

For respondents : Mr Anil Gautam, Adv

CORAM:

HON'BLE MR. JUSTICE PRAKASH TATIA, CHAIRPERSON.

HON'BLE LT. GEN. SANJIV LANGER, MEMBER.

ORDER

24.02.2014

Heard learned counsel for the parties. From the arguments of both the counsels it appears that petitioner has challenged the Court Martial proceedings and specifically convening of the Court Martial itself. That issue was decided in the petitioner's earlier OA 147/2010 vide final order dated 24.05.2011. Learned counsel for the UOI has raised the question of jurisdiction of the Tribunal in entertaining the OA during the pendency of the General Court Martial and that issue is sub-judice in the SLP preferred by the UOI. According to admitted facts, if the petition is allowed and relief of the rank of Maj General is granted to the petitioner, then also by this time he had attained the age of superannuation in that rank also. In that situation any relief

will be notional and not actual. In these facts, it will be appropriate to await the decision of the Hon'ble Supreme Court in the Appeal preferred against judgment dated 24.05.2011 rendered in OA No. 147/2010. In view of the above, adjourn and put up in the month of December, 2014.

Put up on **10.12.2014.**

**( PRAKASH TATIA )**  
**Chairperson**

**(SANJIV LANGER)**  
**Member**

New Delhi  
Dated the 24<sup>th</sup> February, 2014  
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