

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

3.

OA 433/2016 with MA 769/2021**Lt Cdr Ravinder Pal Singh****... Applicant****Versus****Union of India & Ors.****... Respondents****For Applicant** : Ms. Pooja Dhar, Advocate**For Respondents** : Gp Capt Karan Singh Bhati, Sr. CGSC
with Shri Harish V. Shankar, Advocate**WITH**

4.

OA 435/2016 with MA 767/2021**Lt Cdr Amit Khajuria****... Applicant****Versus****Union of India & Ors.****... Respondents****For Applicant** : Ms. Pooja Dhar, Advocate**For Respondents** : Gp Capt Karan Singh Bhati, Sr. CGSC
With Shri K.K. Tyagi, Advocate**WITH**

5.

OA 436/2016**Lt Cdr Manish Kumar Singh****... Applicant****Versus****Union of India & Ors.****... Respondents****For Applicant** : Ms. Pooja Dhar, Advocate**For Respondents** : Shri Arvind Patel, Advocate**WITH**

6.

OA 1203/2017**Cdr Saroj Singh****... Applicant****Versus****Union of India & Ors.****... Respondents**

For Applicant : Shri S.S. Pandey, Advocate
For Respondents : Gp Capt Karan Singh Bhati, Sr. CGSC
 with Shri T Gopal, Advocate

WITH

7.

OA 838/2018

Cdr Swati Bhatia

... Applicant

Versus

Union of India & Ors.

... Respondents

For Applicant : Shri S.S. Pandey, Advocate

For Respondents : Shri Harish V Shankar, Advocate

WITH

8.

OA 840/2018

Cdr Vijayeta

... Applicant

Versus

Union of India & Ors.

... Respondents

For Applicant : Shri S.S. Pandey, Advocate

For Respondents : Dr. Vijendra Singh Mahndiyan, Advocate

WITH

9.

OA 1959/2018

Cdr Kumar Dhiraj

... Applicant

Versus

Union of India & Ors.

... Respondents

For Applicant : Shri P D P Deo, Advocate

For Respondents : Shri Harish V Shankar, Advocate

WITH

10.

OA 2118/2018

Cdr Mandip Kaur

... Applicant

Versus

Union of India & Ors.

... Respondents

For Applicant : Shri S.S. Pandey, Advocate

For Respondents : None

WITH

11.

OA 816/2019 with MA 2369/2021

Cdr Yogendra Kumar Singh

... Applicant

Versus

Union of India & Ors.

... Respondents

For Applicant : Ms. Pooja Dhar, Advocate

For Respondents : Shri Harish V Shankar, Advocate

WITH

12.

OA 1361/2021 with MA 2302/2021

Cdr Sarita Nagayach

... Applicant

Versus

Union of India & Ors.

... Respondents

For Applicant : Shri Manoj Kumar Gupta, Advocate

For Respondents : None

WITH

13.

OA 1454/2021 with MA 2257/2021

Cdr Sandeep Singh

... Applicant

Versus

Union of India & Ors.

... Respondents

For Applicant : Shri. Vivek Chhatre, Advocate

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

WITH

14.

OA 1964/2021 with MA 2260/2021

Cdr Pooja Rajput

... Applicant

Versus

Union of India & Ors.

... Respondents

For Applicant : Shri. S.S Pandey, Advocate
For Respondents : Gp. Capt Karan Singh Bhati, Sr. CGSC

WITH
15.

OA 2008/2021

Cdr Barsha Agarwal & Ors. ... Applicant

Versus

Union of India & Ors. ... Respondents

For Applicant : Ms. Pooja Dhar, Advocate
For Respondents : None

WITH
16.

OA 2064/2021 with MA 2368/2021

Cdr Annie Nagaraja ... Applicant

Versus

Union of India & Ors. ... Respondents

For Applicant : Shri. Nikhil Palli, Advocate
For Respondents : Shri. Harish V Shankar, Advocate

WITH
17.

OA 2065/2021 with MA 2262/2021

Lt Cdr Barkha Rathore ... Applicant

Versus

Union of India & Ors. ... Respondents

For Applicant : Shri. Nikhil Palli, Advocate
For Respondents : Gp. Capt Karan Singh Bhati, Sr. CGSC

WITH
18.

OA 2066/2021 with MA 2373/2021

Cdr Urmilla Bhat ... Applicant

Versus

Union of India & Ors. ... Respondents

For Applicant : Shri. Nikhil Palli, Advocate
For Respondents : Shri Anil Gautam, Sr. CGSC

WITH
19.

OA 2067/2021

Cdr Puneet Pal Kaur

... Applicant

Versus

Union of India & Ors.

... Respondents

For Applicant : Shri. Nikhil Palli, Advocate

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

WITH
20.

OA 2068/2021

Cdr Shruti Dhawan

... Applicant

Versus

Union of India & Ors.

... Respondents

For Applicant : Shri Nikhil Palli, Advocate

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

WITH
21.

OA 2069/2021 with MA 2138/2021

Cdr Bhanu Pratap Singh

... Applicant

Versus

Union of India & Ors.

... Respondents

For Applicant : Shri Ajay Bhalla, Advocate

For Respondents : Shri Anil Gautam, Sr. CGSC

WITH
22.

OA 2167/2021(OA 106/2017 RB MUMBAI)

Cdr Amit Kumar Sharma

... Applicant

Versus

Union of India & Ors.

... Respondents

For Applicant : Ms. Pooja Dhar, Advocate
For Respondents : Dr. Vijendra Singh Mahndiyan, Advocate

WITH
23.

OA 2168/2021 (OA 104/2017 RB MUMBAI)

Lt Cdr Yogita Rani ... Applicant

Versus

Union of India & Ors. ... Respondents

For Applicant : Shri Y.P. Singh, Advocate

For Respondents : None

WITH
24.

OA 2169/2021 (OA 105/2017 RB MUMBAI)

Cdr P.S. Soodan ... Applicant

Versus

Union of India & Ors. ... Respondents

For Applicant : Ms. Pooja Dhar, Advocate

For Respondents : None

CORAM :

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

ORDER
07.12.2022

ITEMS NOS. 3 TO 24 (except Item No. 8- OA 840/2018) :

These matters have been remitted back to us by virtue of the order passed by the Hon'ble Supreme Court on 20.10.2022 in Civil Appeal Nos. 841-843 of 2022 [**Cdr Amit Kumar Sharma etc. Vs. Union of India & Ors. etc.**]

2. Having considered the directions issued by the Hon'ble Supreme Court from Para 23 onwards, we are of the considered view that the Hon'ble Supreme Court has interfered with the order passed by us on 03.01.2022 primarily on the ground that the elementary principle of law, in that all materials which are relied upon by either of the parties in the course of judicial proceedings must be disclosed and the same having not been disclosed, prejudice has been caused to the appellants before the Hon'ble Supreme Court and the applicants herein.

3. Keeping in view the aforesaid, we are of the considered view that the respondents should file an additional affidavit indicating the following factors :

- (a) Number of vacancies that were available for consideration and how the same were calculated and utilized;
- (b) The Criterias laid down for consideration of each case for grant of Permanent Commission and the consideration made by the Selection Board and the reasons as to why each individual applicant was not recommended for selection by the Selection Board.

4. In each case, the aforesaid informations should be supplied in the form of an additional affidavit within four weeks by the respondents and thereafter we shall proceed with the matters in accordance with law.

5. List these matters on **15th February, 2023**.

6. Learned counsel for the applicants has supplied a list of the cases which have been disposed of by the Hon'ble Supreme Court and have been remanded by the common order, such as, OA 432/2016, OA 437/2016, OA 780/2016, OA 1972/2021, OA 2019/2021, OA 1973/2021, OA 1965/2021, OA 2129/2021, OA 2215/2021, OA 2144/2021, OA 2143/2021, OA 2155/2021, OA 2146/2021, OA 2153/2021, OA 2142/2021, OA 2154/2021, OA 2152/2021 and OA 2147/2021. Let these OAs be also listed along with the present bunch of matters for analogous hearing.

Item No. 8 (OA 840/2018) :

7. The matter is listed today along with other connected matters in the light of the remand order passed by the Hon'ble Supreme Court on 20.10.2022 in the case of *Cdr Amit Kumar Sharma and other cases (supra)*.

8. During the course of hearing today, Shri Pandey, learned counsel for the applicant, informs us that Cdr Vijayeta, the applicant in this OA and appellant before the Hon'ble Supreme Court, had withdrawn her appeal filed before the Hon'ble Supreme Court and, therefore, her case cannot be treated to have been remanded back from the Supreme Court as it stood withdrawn much before the order passed by the Hon'ble Supreme Court on 20.10.2022. In view of the above, the aforesaid case is deemed to have been disposed of as withdrawn by the applicant before the Hon'ble Supreme Court itself.

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

**[JUSTICE RAJENDRA MENON]
CHAIRPERSON**

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

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