

**COURT No.3, ARMED FORCES TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

27.

**OA 759/2015**

**Lt Col Shobhana Tripathi**

**... Applicant**

**Versus**

**Union of India & Ors.**

**...Respondents**

**For Applicant** : Mr. SS Pandey, Advocate

**For Respondents** : Dr. VS Mahndiyan, Advocate

**CORAM:**

**HON'BLE MS. JUSTICE SUNITA GUPTA, MEMBER (J)**

**HON'BLE LT. GEN. PHILIP CAMPOSE, MEMBER (A)**

**O R D E R**

**19.03.2019**

Vide this application, the applicant seeks re-instatement in service and to consider for grant of permanent commission in view of the judgment dated 12.03.2010 passed by Hon'ble Delhi High Court extending the benefit to the Air Force Officers and applicants from Army pending the final decision by Hon'ble Supreme Court.

2. During the course of arguments, learned counsel for the applicant referred the order passed by Hon'ble Delhi High Court in **WP(C) 1597/2003 Babita Puniya & Ors Vs. UOI**. It is stated that the present applicant was not a party to this Writ Petition. Subsequently, some other women officers filed Writ Petition before High Court which was dismissed. Thereafter, the matter was taken up before the Hon'ble Supreme Court. The applicant moved an application for intervention which was allowed vide order dated 24 Sept 2012. However, she got herself deleted from array of parties which was permitted by order dated 16 July 2015. Learned counsel

for the applicant submits that after deletion from Hon'ble Supreme Court she has approached this Tribunal.

3. We take note of the order dated 16 July 2015 which reads as under:

*“Application for deletion of the name of respondent no.28 is allowed. The name of respondent no. 28 is deleted from the array of parties. **However, the effect of deletion shall be taken note of at the time of final hearing of the matter.**”*

4. Bare perusal of this order goes to show that while allowing the deletion of the applicant from the array of parties, Hon'ble Supreme Court went on observing that effect of this deletion shall be taken note of at the time of final hearing of the matter. Incidentally, the matter is still pending before Hon'ble Supreme Court. Under these circumstance, since the matter is sub-judice, it will not be appropriate for the Tribunal to pass any order. That being so, the OA is adjourned sine-die and be consigned to the Registry with liberty to the applicant to approach the Tribunal in case of need.

**(JUSTICE SUNITA GUPTA)  
MEMBER (J)**

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

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