

IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

04.

O.A. No. 253 of 2011

Col. Neeraj Rana

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

For petitioner: Sh. H.S. Sharma, Sh. K. Bhardwaj and Sh. Dipesh Choudhary,  
Advocates.

For respondents: Sh. Ankur Chhibber, Advocate.

CORAM:

HON'BLE MR. JUSTICE A.K. MATHUR, CHAIRPERSON.

HON'BLE LT. GEN. S.S.DHILLON, MEMBER.

ORDER

13.09.2011

1. Heard learned counsel for the parties.
2. Petitioner by this petition has prayed for quashing of the charge sheet dated 9<sup>th</sup> June 2011 and the convening order of General Court Martial dated 19<sup>th</sup> June 2011 and sought the directions to exonerate the petitioner of all charges.
3. We would have certainly gone into the arguments raised by learned counsel for the petitioner with regard to Court Martial pending against the petitioner but it has been brought to our notice that in the case of **Arvind Kumar Sharma v. Union of India & Ors. (W.P.(C) No. 462 of 2007)**, the petitioner in the present case has already been impleaded as a party by the Hon'ble Supreme Court by the order dated 11<sup>th</sup> July 2011. A statement was made by Mr.Vivek Tankha, learned ASG that the Court Martial has been initiated against the petitioner. Since the Hon'ble Supreme

Court has allowed the impleadment of the petitioner as a party in these proceedings and the Hon'ble Supreme Court is seized of the matter, therefore, it will not be proper for us to interfere in the matter as the matter is receiving due consideration by the Hon'ble Supreme Court. Therefore, at this stage we do not want to entertain this petition. However, it is open for the petitioner to approach this Tribunal once the matter is disposed of by the Hon'ble Supreme Court.

4. The petition is disposed of with no order as to costs.
5. Order dasti.

**A.K. MATHUR**  
(Chairperson)

**S.S. DHILLON**  
(Member)

New Delhi  
September 13, 2011  
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