

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

20.

MA 1510/2022 in RA 2/2020 in OA 865/2019

In the matter of :

Col GP Singh (Retd)

... Applicant

Versus

Union of India & Ors.

... Respondents

For Applicant : Shri K.R. Verma, Advocate

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

CORAM :

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

O R D E R
25.05.2022

This application has been filed purportedly under Rule 25 of the Armed Forces Tribunal (Procedure) Rules, 2008 for restoration of O.A. No. 865 of 2019 in view of an order of the Division Bench of the Delhi High Court on 13.05.2022 in W.P. (C) 5923/2022.

2. The relief claimed for by the applicant in O.A. No. 865 of 2019 was considered by a Coordinate Bench of this Tribunal and by a detailed order passed on 27.05.2019, the OA was dismissed on account of lack of merit. Challenging the order passed in the OA by the Tribunal, a Writ Petition was filed before the Delhi High Court being W.P. (C) No. 5923/2022, which has been decided on 13.05.2022 by a Division Bench of the Delhi High Court. In the meanwhile, seeking review of the

order passed in O.A. No. 865/2019, a review application being R.A. No. 02/2020 was filed and this review application was also dismissed by the Tribunal on 28.02.2022.

3. Now, in the light of the order passed in the Writ Petition by the Delhi High Court, the applicant wants restoration of O.A. No. 865/2019. In Para 9 of the order passed on 13.05.2022, the Delhi High Court observed as under:

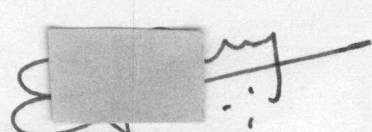
“9. As stated by learned counsel appearing on behalf of the petitioner that similar OA is pending before Bench No. 1 of Armed Forces Tribunal, therefore, we hereby dispose of the present petition by making it clear that if the issue pending before the said Bench is decided in favour of the petitioner therein, then the benefit of the same shall also be applicable to the petitioner herein.”

4. Even though, the applicant has challenged the order passed in O.A. No. 865/2019 by this Tribunal on 27.05.2019 and the order passed in R.A. No. 02/2020 on 28.02.2022, the Hon'ble Delhi High Court has not interfered into the matter and has not quashed the said orders, nor has the original application been restored after quashing the order. The Delhi High Court has only observed that similar matters are pending before the Bench of the Armed Forces Tribunal, in case the similar matters are decided in favour of the petitioners therein,

then the same judgement shall be applicable to the applicant herein also.

5. That being so, we see no reason to restore the matter. The applicant has to await the decision of the pending matter(s) and ultimately if the pending matter(s) are decided and any relief granted, then the applicant herein would also be entitled to the same relief. That being the import of the order passed by the Division Bench of the Delhi High Court, no case for restoration of the OA is made out. Accordingly, M.A. No. 1510 of 2022 stands dismissed.


[JUSTICE RAJENDRA MENON]
CHAIRPERSON


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

/ng/jyoti