

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

8.

**MA 4335/2023 in OA 706/2023**

**Hav Dvr (MT) Sandeep Kumar**

**... Applicant**

**Versus**

**Union of India & Ors.**

**... Respondents**

**For Applicant**

**:** Mr. Manoj Kr Gupta, Advocate

**For Respondents**

**:** Mr. Shyam Narayan, Advocate

**CORAM :**

**HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON**

**HON'BLE LT GEN P. M. HARIZ, MEMBER (A)**

**ORDER**  
**12.10.2023**

**MA 4335/2023**

Applicant has filed OA 706/2023 wherein, he is claiming promotion to the post of **Nb Sub** from **Hav**. It is said that the OA is pending for adjudication and in the meantime, the authorities, vide communication dated 1<sup>st</sup> September, 2023 moved a proceeding intentionally to cancel the applicant's previous appointment/promotion to the post of Hav in the Selection Outstanding Sportsman Quota. It is the contention of the applicant that the cancellation of promotion in this manner as proposed is mala fide.

2. However, to challenge the impugned order as contained in the communication dated 1<sup>st</sup> September, 2023 by simply filing a miscellaneous application under the inherent power of this Court and asking for stay of the proceedings is not proper. The applicant is advised to incorporate appropriate pleadings in the pending

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OA 706/2023 and after the same is done in an appropriate manner, this Court would consider it under its jurisdiction.

3. In our considered view, this application for the relief as claimed is not maintainable.

4. MA stands dismissed with the aforesaid liberty.

5. Let a copy of this order be provided ***DASTI*** to learned counsel for both the parties.

[RAJENDRA MENON]  
CHAIRPERSON

[P. M. HARIZ]  
MEMBER (A)

Priya  
MA 4335/2023