

(2022) 09 DEL CK 0034

In the Delhi High Court

Case No : Civil Writ Petition No. 12648 Of 2022, Civil Miscellaneous No. 38374, 38373 Of 2022

Lt Col Parampreet Singh Kochar

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 01-09-2022

Acts Referred:

Army Rules, 1954 — Rule 22

Citation : (2022) 09 DEL CK 0034

Hon'ble Judges : Suresh Kumar Kait, J;Saurabh Banerjee, J

Bench : Division Bench

Advocate : Dr. Abhay Kant Upadhyay, Madan Pal Vats, Shashi Priya, B.P. Vaishanavi, Bharat Singh, Harish Vaidyanathan Shankar, Kushagra Kumar

Final Decision : Dismissed

Judgement

1. Petitioner has preferred the present petition against the order dated 18.02.2022 passed by the learned Armed Forces Tribunal (AFT), Principal Bench, vide which his prayer for interim relief in OA No. 126/2022; seeking stay of disciplinary proceedings in furtherance of court of inquiry dated 25.08.2021, has been rejected. By this petition, quashing of impugned disciplinary proceedings is sought. Besides, petitioner has also prayed for action on letter dated 07.08.2022 issued by respondent No.7; direct the respondents to provide him copy of charge sheet in terms of Rule 22 of the Army Rule; to call for summary of evidence; to direct the respondents to cross-examine the material witness – Captain Paras Awasthi and to impose costs on respondents for intentional fraud, malice and harassment to petitioner and his family.

2. Notice issued.

3. Mr. Harish Vaidyanathan Shankar, learned CGSC, accepts notice of the petition.

4. Upon hearing learned counsel for the parties and on perusal of record placed before us, we find that vide order dated 01.06.2022 in OA No. 126/2022, learned

AFT has already directed respondents to provide the copies of documents pertaining to the court of inquiries held against him. Further, in view of the fact that the appeal against the impugned court of inquiry dated 25.08.2021 preferred by the petitioner is pending adjudication before the learned AFT, which otherwise also stands concluded and also the fact that the grounds urged for the remaining reliefs in the present petition are more or less similar as have been pleaded before the learned AFT, no order is required to be passed in this petition.

5. With observations as aforesaid, the present petition and pending applications are accordingly dismissed.

6. Needless to say, if any subsequent cause of action arises, petitioner is at liberty to make a representation against the same and if, any grievance still persists, he may challenge it before the appropriate forum.