
(2025) 02 DEL CK 1185

In the Delhi High Court

Case No : Writ Petition (C) No. 2429 Of 2025

Lt. Col. Vibha

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 25-02-2025

Acts Referred:

Citation : (2025) 02 DEL CK 1185

Hon'ble Judges : Navin Chawla, J;Shalinder Kaur, J

Bench : Division Bench

Advocate : Rakesh Kumar, Ripudaman Bhardwaj, Kushagra Kumar, Laavanya Kaushik, Major Anish Muralidhar

Final Decision : Disposed Of

Judgement

Navin Chawla, J

CM APPL. 11542/2025 (Exemption)

1. Allowed, subject to all just exceptions.

CM APPL. 11543/2025 (For lengthy synopsis)

2. This is an application seeking permission to file lengthy synopsis and list of dates.

3. For the reasons stated in the application, the same is allowed.

4. The application stands disposed of.

W.P.(C) 2429/2025 & CM APPL. 11544/2025 (Stay)

5. This petition has been filed by the petitioner challenging the Order dated 06.02.2025 passed by the learned Armed Forces Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal') in Original Application ('O.A.'). 291/2025 titled Lt Col Vibha v. Union of India & Ors. By the Impugned Order, the learned Tribunal has merely issued notice in the O.A. filed by the petitioner and

has not considered the interim relief prayed for by the petitioner.

6. The learned counsel for the petitioner submits that the petitioner's claim for consideration for a permanent commission is covered by the Judgment of the Supreme Court in Lt. Col. Suprita Chandel v. Union of India, 2024 SCC OnLine SC 3664. He submits that this aspect has not been considered by the learned Tribunal while passing the Impugned Order.

7. On the other hand, the learned counsel for the respondents, who appears on advance notice, submits, on instructions that as the petitioner is to be released from service on 14.03.2025, the respondents will file their counter affidavit before the learned Tribunal within one week from today and thereafter the learned Tribunal can consider the case of the petitioner on merits rather than being constrained by the consideration of only an interim order.

8. We find the offer made by the respondents to be very fair. Accordingly, we dispose of this petition by directing the respondents to file their response to the O.A. filed by the petitioner before the learned Tribunal, within one week from today.

9. The learned counsel for the petitioner submits that the petitioner shall file a rejoinder to the reply to be filed by the respondents, within a period of two days of receipt thereof.

10. The learned Tribunal is requested to consider the O.A. on merits and to dispose of the same on or before 14.03.2025.

11. The O.A. shall be listed before the learned Tribunal on 06.03.2025. The parties shall appear before the learned Tribunal on the said date and no further notice of the said date needs to be given to the parties.

12. We make it clear that we have not expressed any opinion on the merits of the claim of the petitioner in the present petition.

13. The petition and the pending application are disposed of in the above terms.

14. Dasti.