

(2021) 02 DEL CK 0147

In the Delhi High Court

Case No : Civil Writ Petition No. 2026, 2107 Of 2020

Suresh Chand Sharma

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 12-02-2021

Acts Referred:

Citation : (2021) 02 DEL CK 0147

Hon'ble Judges : Manmohan, J;Asha Menon, J

Bench : Division Bench

Advocate : Uday Shankar Maurya, Abhay Prakash Sahay, Mannu Singh, Indira Goswami

Final Decision : Dismissed

Judgement

1. The petition has been heard by way of video conferencing.
2. Present writ petitions have been filed by the petitioners seeking directions to the respondents to stay operation of the discharge orders till the final disposal of the original application filed by the petitioners before the Armed Forces Tribunal. Learned counsel for the petitioners in support of his submission relies upon certain orders passed by the Punjab & Haryana High Court.
3. However by way of a detailed judgment dated 31st July 2020, a coordinate Bench of this court, of which one of us (Asha Menon, J) was a member, has dismissed a similar writ petitions being W.P. (C) No. 4829-4830/2020. This Bench also had an occasion to consider a similar issue in W.P. (C) No. 1728/2021 on 9th February 2021. The relevant portion of the said order is reproduced hereinbelow:
â??Having perused the order dated 28 July, 2020 and judgment dated 31st July,

2020, this Court is of the opinion that in view of the final

judgment dated 31st July, 2020 the petitioners' reliance on the interim order passed on 28th February, 2020 in W.P.(C) 2026/2020 is

untenable in law. This Court vide judgment dated 31st July, 2020 in W.P.(C) 4829-4830/2020 has 'finally spoken'.

This Court also finds that the controversy in the present matter is pending final hearing before the Armed Forces Tribunal and if the petition

filed by the petitioner is allowed, then the petitioner would be suitably compensated.

Consequently, this Court in accordance with the findings and observations in the judgment dated 31st July 2020 in W.P. (C) No. 4829-

4830/2020 dismisses the present writ petition.

The Registry is directed to list W.P. (C) No. 2026/2020 and 2107/2020 before the Court on 12th February 2021.

4. Keeping in view the order dated 09th February, 2021 as well as the detailed judgment dated 31st July, 2020 in W.P. (C) Nos. 4829-4830/2020, the present writ petitions are dismissed.

5. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through e-mail.