

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEALS No. 9839-9840 OF 2011

UNION OF INDIA AND ANR. ... Appellant(s)

Versus

J S BAJWA ... Respondent(s)

With Civil Appeals Nos. 9841-9842 of 2011

O R D E R

These appeals are directed against an Order dated 08.03.2011 passed by the Armed Forces Tribunal, Principal Bench, New Delhi whereby O.A. No. 525 of 2010 filed by the respondents has been allowed with a direction to the appellant herein to consider the respondents for relaxation of Rules as in the case of Lt. General Chhetinder Singh, Lt. General N.K.Singh and Lt General S.A. Husain. M/s. Maninder Singh and S.W.A.Qadri appearing for the appellants submit that no relaxation was ever granted in favour of the three officers mentioned above. Mr. Pandey, learned counsel however disputes that position but submits that since both the respondents have now retired, the direction issued by the Tribunal for grant of relaxation in their favour to facilitate their posting as a Corps Commander

has been rendered infructuous. He submits that although the respondents have filed a contempt petition for non-implementation of the order passed by the Tribunal, the said contempt petition also would serve no purpose and will be withdrawn as infructuous.

M/s. Maninder Singh and Qadri submit that in case the contempt petition filed by the respondents is dismissed or the respondents undertake to withdraw the same, the present appeals can be disposed of leaving the questions of law open.

In the circumstances, therefore, we dispose of these appeals as infructuous in light of the subsequent developments. The contempt petition pending before the Tribunal shall also stand disposed off in light of the statement made on behalf of learned counsel for the respondent. The questions of law raised in these appeals are however left open. No costs.

.....CJI.
(T.S.THAKUR)

.....J.
(UDAY UMESH LALIT)

New Delhi,
Dated: 18th February, 2016.

ITEM NO.102

COURT NO.1

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 9839-9840/2011

UNION OF INDIA & ANR

Appellant(s)

VERSUS

J S BAJWA

Respondent(s)

(with appln. (s) for stay and office report)

WITH

C.A. No. 9841-9842/2011

(With Office Report)

Date : 18/02/2016 These appeals were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Appellant(s) Mr. Maninder Singh, ASG,
Mr. S.Wasim A/Qadri, Adv.
Mr. Abhinav Mukherjee, Adv.
Mr. Amrjeet Singh, Adv.
Mr.Zaid Ali, Adv.
Mrs. Anil Katiyar, Adv.

For Respondent(s) Mr. S.S.Pandey, Adv.
Mr. Arjun Singh, Adv.
Mr. Sridhar Potaraju, Adv.
Mr. Gaichangpou Gangmei, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The appeals are disposed off as infructuous in terms of
the signed order.

(Shashi Sareen)
AR-cum-PS

(Veena Khera)
Court Master

(Signed order is placed on the file)