

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 Diary No(s). 783/2023

(Arising out of impugned final judgment and order dated 08-10-2021 in OA No. 629/2020 passed by the Armed Forces Tribunal)

MINISTRY OF DEFENCE &amp; ORS.

Petitioner(s)

VERSUS

NO. 14636477N EX. CFN/VM(AFV)BHUPENDRA KUMAR

Respondent(s)

(IA No. 17597/2023 - CONDONATION OF DELAY IN FILING; IA No. 17599/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT  
IA No. 17594/2023 - LEAVE TO APPEAL U/S 31(1) OF THE ARMED FORCES TRIBUNAL ACT, 2007; IA No. 17586/2023 - STAY APPLICATION)

Date : 22-03-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.B. PARDIWALA  
HON'BLE MR. JUSTICE MANOJ MISRAFor Petitioner(s) Ms. Aishwarya Bhati, A.S.G.  
Mr. Aman Sinha, Adv.  
Mr. Divyanshu Shrivastava, Adv.  
Mr. Adit Khorana, Adv.  
Mr. Vaishali Verma, Adv.  
Mr. Upendra Mishra, Adv.  
Mr. Vijay Pratap Singh, Adv.  
Mr. Ashish Ranjan, Adv.  
Dr. Arun Kr Yadav Dy Gov, Adv.  
Dr. N. Visakamurthy, AOR

For Respondent(s)

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

We have heard Ms. Aishwarya Bhati, the Ld. Additional Solicitor General, appearing for the Union of India.

The respondent although served with a notice issued by this Court yet has chosen not to remain present before this Court either in person or through an Advocate and oppose this petition.

Ms. Bhati, the Ld. A.S.G., submitted that in view of the three-Judge Bench decision in the case of *Union of India and Ors. Vs. Parashotam Dass (2023 SCC OnLine SC 314)*, she may be permitted to withdraw this petition with liberty to approach the jurisdictional High Court for the purpose of challenging the impugned order passed by the Tribunal.

In view of such statement being made, we permit the Ld. A.S.G. to withdraw this petition with liberty to approach the jurisdictional High Court for the purpose of challenging the impugned order passed by the Tribunal.

The appeal is, accordingly, dismissed as withdrawn with liberty as aforementioned. However, all contentions are left open to be raised by both the sides before the High Court.

Pending application(s), if any, shall stand disposed of.

(VARSHA MENDIRATTA)  
COURT MASTER (SH)

(RAM SUBHAG SINGH)  
COURT MASTER (NSH)