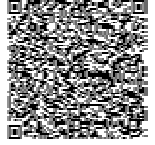


2025:PHHC:052394-DB

CWP-8886-2025 (O&M)
Date of Decision: 24.04.2025

Union of India and others ...Petitioners
Vs.
Ex. Naik Kuldip Singh ...Respondent

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MR. JUSTICE H.S. GREWAL**

Present: Mr. N.K. Verma, Sr. Standing Counsel for the petitioners.

SANJEEV PRAKASH SHARMA, J. (Oral)

1. The challenge is to the order passed by the Armed Forces Tribunal dated 20.04.2023, whereby the AFT directed as under:-

“3. The facts as mentioned herein above are not disputed by the Union of India in the reply. Learned counsel representing the applicant took the plea that the case is squarely covered as per the judgment of the Larger Bench of Armed Forces Tribunal, Principal Bench, New Delhi in Original Application 1238 of 2016, titled Smt. Shama Kaur vs. Union of India and others, decided on 01.10.2019. Learned counsel representing the Union of India has also no disputed this proposition of law.

4. Accordingly, we dispose of the present application with a direction to the respondents to decide the claim of the applicant within three months from today and release the payment to the applicant, failing which, the applicant shall be entitled to recovery interest also @ 8% per annum from the date of this order till realization.”

2. Learned counsel for the petitioner submits that in a similar case, the matter was taken up before the Hon'ble Supreme Court, wherein the Hon'ble Supreme Court has stayed the operation of the order. A careful look at the order passed by the Hon'ble Supreme Court in Civil Appeal No.27246/2023, titled Union of India and others. V. Balakrishan Mullikote, reflects that the same does not in any manner deal with the issue, which has been decided by the AFT.

3. In fact, learned counsel fairly admits that the directions issued by the AFT Larger Bench at New Delhi in Shama Kaur case (supra) has been duly implemented. The order passed by the AFT impugned before us simply directs the petitioner to decide the case of the respondent in the same terms as in Shama Kaur case (supra). The order passed by the AFT is simply innocuous and does not take away any rights of the petitioner.

4. The writ petition is wholly misconceived and is accordingly dismissed.

5. All pending misc. application also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

(H.S. GREWAL)
JUDGE

24.04.2025

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1. Whether speaking/reasoned? : Yes/No
2. Whether reportable? : Yes/No