



2025:DHC:549-DB



\$~65

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 30.01.2025

+ W.P.(C) 1195/2025

EX WG CDR SUMAN KUMARPetitioner

Through: Dr.Abhay Kant Upadhyay,
Mr.Madan Pal Vats, Mr.Naveen
Kumar Gautam, Advs.

versus

UNION OF INDIA AND OTHERSRespondents

Through: Mr.Avtaar Singh Deol, SPC,
Mr.Jitendra Kr. Tripathi, GP

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (Oral)

CM APPL. 5784/2025 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 1195/2025 & CM APPL. 5783/2025

2. The petitioner has filed the present petition, challenging the Orders dated 08.05.2024 and 03.07.2024, passed by the learned Armed Forces Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'AFT'), in OA No. 2348/2023, titled ***EX WG CDR Suman Kumar v. Union of India And Others.***

3. The above Original Application has been filed by the petitioner challenging the Order dated 26.04.2023, passed by the respondents, whereby the petitioner has been dismissed from the services.

4. By the Impugned Order dated 08.05.2023, the learned AFT has



2025:DHC:549-DB



directed that the Original Application filed by the petitioner be listed for final hearing as per *seriatim*. By the Impugned Order dated 03.07.2024, the application, being M.A.2418/2024, filed by the petitioner for seeking an expeditious hearing of the Original Application, has been dismissed.

5. The learned counsel for the petitioner submits that the petitioner, having been dismissed from the service, is facing an acute financial burden and, therefore, his petition should be taken up out of turn for hearing by the learned AFT.

6. We are afraid that we cannot pass such a direction in the exercise of our power under Article 226 of the Constitution of India. It is for the learned AFT to consider the position of its Board and to determine which matters would require an expedited hearing. The petitioners herein cannot seek preferential treatment over other similarly placed petitioners before the learned Tribunal, who may also be challenging their order of dismissal from service.

7. We, therefore, dismiss the present petition. The pending application is also disposed of being rendered infructuous.

NAVIN CHAWLA, J

SHALINDER KAUR, J

JANUARY 30, 2025/Arya

Click here to check corrigendum, if any