

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, MUMBAI

13. ORIGINAL APPLICATION NO. 172 OF 2023

MS-20409 H Capt. Raj Parekh, Indian Army .. Applicant
Versus
Union of India & Ors. .. Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>07.03.2024</u> <u>Hon'ble Mr. Justice Shailendra Shukla, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p style="text-align: justify;">On the case being taken up for hearing, Mr. A. Ojha, Ld. Counsel for the applicant and Mr. A.J. Mishra, Ld. Counsel for the respondents are present.</p> <p style="text-align: justify;">In this matter, the rejoinder has been filed by the learned counsel for the applicant. He has also submitted that Misc. Application under Section 29 of the Armed Forces Tribunal Act 2007 has been filed by him and the same be heard today.</p> <p style="text-align: justify;">Considered. In view of the urgency shown, the aforesaid Misc. Application is being heard today. As both the learned counsels have made their submissions, order shall be passed during the course of the day.</p> <p style="text-align: justify;">The learned counsel for the applicant submits that he be heard on interim relief seeking no coercive action against the applicant till</p>

the disposal of O.A. The learned counsel for the respondents seeks to make submission on this prayer on the next date.

The learned counsel for the applicant submits that his interim relief prayer will be rendered infructuous if he is punished by the Court Martial.

The prayer of the learned counsel for applicant for interim relief needs to be considered urgently as in the case of **Union of India vs. P.S.Gill (2021) 20 SCC 351**, it has been held that convening of Court Marshal proceedings can also be challenged under Section 14 of the Armed Forces Tribunal Act 2007 and if the final order is passed by Court Martial, then applicant may be subjected to termination and other penalties.

In view of urgency of the matter, the arguments on interim relief shall be heard positively on **11.03.2024**.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Shailendra Shukla)
Member (J)

Later on –

Order in Misc. Application No. 58/2024 was passed in separate sheet, whereby, the application has been rejected.

As already directed, the matter shall be listed for hearing on interim relief on **11.03.2024**.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Shailendra Shukla)
Member (J)

Sh