

Capt. Prem Kishan Mohla

Vs

Union of India and Others

Capt. Abhay Singh Jamwal

Vs

Union of India and Others

Major Harinder Singh Sekhon

Vs

Union of India

And

Capt. Anup Singh Sidhu

Vs

Union of India and Others

Writ Petitions Nos. 2969, 3127, 3128 and 3129 of 1978

(M. P. Thakkar, B. C. Ray JJ)

10.02.1987

JUDGMENT

1. In this group of writ petitions two prayers are made for issuance of :

(i) Writ in the nature of 'certiorari' quashing the Directive of respondent 3 dated October 25, 1977 Order No. B/55401/T.A.-5 embodied in Annexure 'C' which has been told to have been based on the some unauthorised approval order got passed by or concurrence obtained from Raksha Mantri on August 31, 1977 insofar as present petitioners are concerned.

(ii) Writ in the nature of 'mandamus' commanding the respondents to abstain from giving effect of the impeached order of October 25, 1977 and thereby not to take any step or steps conducive to their non-bona fide aim of effecting retrenchment of T.A. personnel on the fake basis of their being surplus much before they reach their age of superannuation or otherwise become disqualified under Army Act, Rules and Regulations or suo motu relinquish their Commission.

Since learned counsel for the petitioners has not been able to contact the petitioners notwithstanding

strenuous efforts made by him, whether or not the problem still survives cannot be posited with any degree of certainty. It would, therefore, be but proper to protect the petitioners whilst disposing of these matters in case any issue raised in these petitions still survives notwithstanding the passage of such a long time. We, therefore, dispose of these writ petitions with no orders with liberty to the petitioners to approach the appropriate forum in case grievance still survives. There will be no order as to costs.

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