

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 479 OF 2021
(Arising out of Diary No.26422/ 2020)

UNION OF INDIA & ORS.

Appellant(s)

VERSUS

Brig. K.K. NANDWANI

Respondent(s)

O R D E R

Leave to appeal is granted.

In the peculiar facts of this case where the Promotion Board No.1 (AFMS) for AMC was reconvened and the respondent was not found fit for promotion as Major General and the fact that the respondent stood retired on 31.08.2020 and the salaries paid to him thereafter has been recovered, we are not inclined to interfere with the order passed by the Tribunal. The respondent no.4 has challenged the order dated 02.11.2020 in the Armed Forces Tribunal.

The Appeal is, accordingly, dismissed. Pending application(s), if any, shall stand disposed of. However, the question of law is left open.

.....J.
(L.NAGESWARA RAO)

.....J.
(S.RAVINDRA BHAT)

NEW DELHI;
11th February, 2021.

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).26422/2020

(Arising out of impugned final judgment and order dated 03-09-2020 in OA No.996/2020 passed by the Armed Forces Tribunal)

UNION OF INDIA & ORS.

Petitioner(s)

VERSUS

Brig. K.K. NANDWANI

Respondent(s)

(Applications for exemption from filing c/c of the impugned judgment, stay application and leave to appeal u/s 31(1) of the Armed Forces Tribunal Act, 2007)

Date : 11-02-2021 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For Petitioner(s) Mr. Sanjay Jain, Ld. ASG
Mr. R. Balasubramanian, Sr. Adv.
Mr. Prashant Singh, Adv.
Mr. Adit Khorana, Adv.
Mr. Arvind Kumar Sharma, AOR

For Respondent(s) Mr. Sudhanshu S. Paney, Adv.
Mr. Gaichangpou Gangmei, AOR

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

Leave to appeal is granted.

The appeal is dismissed in terms of the signed order. Pending application(s), if any, shall stand disposed of.

(B.Parvathi)
Court Master

(Anand Prakash)
Court Master

(Signed order is placed on the file)