

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL DIARY NO(S). 32737/2017

VICE ADMIRAL PK CHATTERJEE (RETD.)

APPELLANT (s)

VERSUS

CDR. SS LUTHRA & ORS.

RESPONDENT (s)

WITH

CIVIL APPEAL DIARY NO(S). 32733/2017

O R D E R

Diary No(s). 32733/2017

Mr. Maninder Singh, learned ASG has drawn our attention to the directions which are given by the Armed Forces Tribunal in the impugned judgment. One of the directions is to reconsider the case of Cdr. S.S. Luthra for promotion to the rank of Captain. His submission is that this exercise was in fact already done but could not be pointed out to the Tribunal which resulted in passing of the aforesaid order. On that basis, it is submitted that the appellants shall be approaching the Armed Forces Tribunal by means of a review

petition. Learned counsel appearing for Cdr. Luthra disputes the aforesaid submissions of Mr. Maninder Singh and submits that in law there was no such consideration of the case of Cdr. Luthra for promotion to the rank of Captain. It is not necessary for us to enter into this controversy since it has been decided by the appellants to approach the Armed Forces Tribunal by means of a review petition by withdrawing this appeal. It would be for the Armed Forces Tribunal to decide the said issue.

The appellants may apply for review within 30 days from today. The Armed Forces Tribunal shall consider the review petition on its own merits. It is made clear that this Court has not expressed any opinion.

This appeal is dismissed as withdrawn with a liberty to the appellants to challenge the impugned order in case review petition is decided against the appellants.

CIVIL APPEAL Diary No(s). 32737/2017

The learned counsel appearing for the appellant argues that the appellant was not served in the Original Application which was filed by the respondents before the Armed Forces Tribunal. Though it is disputed by the learned counsel for the respondents, in any case, if the aforesaid is the contention of the appellant, the appropriate course of action is to approach the Armed Forces Tribunal in the first instance. The appeal is dismissed as

withdrawn.

The appellant may apply for review within 30 days from today. The Armed Forces Tribunal shall consider the review petition on its own merits. It is made clear that this Court has not expressed any opinion.

.....J.  
[A.K. SIKRI]

.....J.  
[ASHOK BHUSHAN]

NEW DELHI;  
NOVEMBER 06, 2017.

ITEM NO.62

COURT NO.6

SECTION XVII

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). 32737/2017

(Arising out of impugned final judgment and order dated 31-07-2017  
in OA No. 1112/2015 passed by the Armed Forces Tribunal)

VICE ADMIRAL PK CHATTERJEE (RETD.)

Petitioner(s)

VERSUS

CDR SS LUTHRA &amp; ORS.

Respondent(s)

(FOR ADMISSION and IA No.106175/2017-GRANT OF INTERIM RELIEF and IA  
No.106178/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS and IA  
No.106166/2017-LEAVE TO APPEAL U/S 31(1) OF THE ARMED FORCES  
TRIBUNAL ACT, 2007)

WITH

Diary No(s). 32733/2017 (XVII)

(FOR ADMISSION and I.R. and IA No.105855/2017-EXEMPTION FROM FILING  
C/C OF THE IMPUGNED JUDGMENT and IA No.105859/2017-EX-PARTE STAY  
and IA No.105853/2017-LEAVE TO APPEAL U/S 31(1) OF THE ARMED FORCES  
TRIBUNAL ACT, 2007)

Date : 06-11-2017 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI

HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Petitioner(s) Mr. Maninder Singh, ASG  
Mr.R. Balasubramanian, Adv.  
Mr. Akshay Amritanshu, Adv.  
Mr. Santosh Kumar Viswakarma, Adv.  
Mr.Prabhas Bajaj, Adv.  
Ms. Aarti Sharma, Adv.  
Mr. Mukesh Kumar Maroria, AOR

Mr. Dhruv Gautam, Adv.  
Ms. Manisha Ambwani, AOR

For Respondent(s) Mr. Ankur Chhibber, Adv.  
Mr. Anil Kumar Gautam, AOR

UPON hearing the counsel the Court made the following

O R D E R

The appeals are dismissed in terms of the signed order.

Pending application(s), if any, stands disposed of accordingly.

(ASHWANI THAKUR)  
COURT MASTER

(MALA KUMARI SHARMA)  
COURT MASTER

(Signed order is placed on the file)