

## **Capt. Prem Kishan Mohla Ors. vs Union Of India (Uoi) And Ors. on 10 February, 1987**

**Equivalent citations: AIR1987SC1650, 1987LABLC1306, 1987SUPP(1)SCC130, AIR 1987 SUPREME COURT 1650, 1987 LAB. I. C. 1306, (1987) 2 LAB LN 892.2, (1987) 1 JT 729.2 (SC), 1987 SCC (SUPP) 130, 1987 2 JT 729 (2), 1987 4 SERVLR 132 (2), (1987) 4 SERVLR 132(2)**

**Bench: B.C. Ray, M.P. Thakkar**

### **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 No. 3 dated 25-10-1977, order No. B55401/T.A. -5 embodied in Annexure 'C' which has been told to have been based on some unauthorised approval order got passed by or concurrence obtained from Raksha Mantri on 31-8-1977 in so far as present petitioners are concerned.

(ii) Writ in the nature of 'Mandamus' commanding the Respondents to abstain from giving effect to the impeached order of 25-10-1977 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 super-annuation 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 any grievance still survives. There will be no order as to costs.