



2025:DHC:4842-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 7164/2025 & CM APPL. 32309/2025**
762172-N JWO RAM PHALPetitioner

Through: Ms. Malini Jain, Adv.

versus

UNION OF INDIA & ORS.Respondents
Through: Ms. Nidhi Raman, CGSC with
Mr. Arnav Mittal, Adv. for UOI
Wing Commander S. Srikanth and Sgt.
Vikash Kumar for IAF

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE AJAY DIGPAUL

JUDGMENT (ORAL)

% **30.05.2025**

C.HARI SHANKAR, J.

1. This writ petition is directed against order dated 19 May 2025 passed by the Armed Forces Tribunal, New Delhi¹ whereby the AFT has declined to grant interim relief to the petitioner.

2. The petitioner moved the AFT under Section 14 of the AFT Act, 2007, challenging the order dated 6 May 2024 whereby the petitioner was discharged from service as an Airman after completing his term of service.

3. The petitioner had prayed for grant of extension, which was

¹ "the AFT", hereinafter



rejected.

4. By the interim application, the petitioner sought a restraint against the respondents from discharging him from service.

5. It is not in dispute that the petitioner would stand discharged from service with effect from 31 May 2025 i.e. tomorrow.

6. We have heard Ms. Malini Jain, learned Counsel for the petitioner and Ms. Nidhi Raman, learned CGSC for the respondents.

7. Ms. Jain has not been able to show us any provision, rule or regulation which confers a right to extension on an Airman beyond the term of his normal deployment.

8. On the other hand, Ms. Nidhi Raman has drawn our attention to Clause 7 of Air Headquarters Order No. 21/2014 dated 30 July 2014 which reads thus:

“Extension of Engagement in Certain Specific Cases Cases for extension of engagement in the following specific cases will be referred to Air HQ by AFRO for a final decision with the specific remarks of AOC, AFRO, along with brief facts of the case in duplicate, application of the airman and extract of conduct sheet.

(a) Airmen who had undergone PRCs of duration less than 180 days.

(b) Airmen who have not been categorized/declared potential/habitual offenders but have one or more Red or more than one black punishment entries in the preceding five years as mentioned in para 4(f) above.

(c) Airmen against whom observation(s) has/have been made by Dte of Intelligence/PC (Air) at Air HQ ”



9. Ms. Nidhi Raman submits that the petitioner has a red entry in his record within the past five years and would not, therefore, in any case qualify for extension in view of Clause 7 (b).

10. She also submits that the red entry was for a serious offence.

11. We do not intend to enter into this, as it might prejudice the case of the petitioner before the learned AFT.

12. Suffice it to state that, given the fact that the petitioner has a red entry within the past five years and there is no provision to which our attention has been drawn which confers a right to extension in service beyond the normal period of deployment, it cannot be said that the petitioner has made out even a *prima facie* case as would justify interference with the impugned order, which is only interim and discretionary in nature.

13. This Court does not set in appeal over the decision of the learned AFT. As such, the Court has to be extremely circumspect while considering whether to interfere with the decision of the learned AFT, especially where it is discretionary and interlocutory in nature.

14. Within the limits of our jurisdiction under Article 226 of the Constitution of India, we are not satisfied that a case for interference with the impugned order dated 19 May 2025 passed by the learned AFT exists.

15. Accordingly, we dismiss this petition.



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16. However, we clarify that nothing stated in this order should be read as an expression of opinion on the merits of this case.

17. We also reserve liberty to the petitioner to move the AFT for expeditious hearing of the OA.

18. Any such request if made, would be considered on its own merits.

C. HARI SHANKAR, J.

AJAY DIGPAUL, J.

MAY 30, 2025/an

Click here to check corrigendum, if any