



2025:DHC:11062-DB



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 7766/2025**

**STATE (THROUGH CHIEF OF THE AIR STAFF)**

**AND ORS**

.....Petitioners

Through: Ms. Pratima N Lakra, CGSC  
with Ms. Mansi Aggarwal, Advs.

versus

**EX-FLT LT MPS GODARA**

.....Respondent

Through: Respondent-in-person.

**CORAM:**

**HON'BLE MR. JUSTICE C. HARI SHANKAR**

**HON'BLE MR. JUSTICE OM PRAKASH SHUKLA**

**ORDER (ORAL)**

**08.12.2025**

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**C. HARI SHANKAR, J**

**CM APPL. 77459/2025**

1. By order dated 29 October 2025, we had requested the learned Armed Forces Tribunal<sup>1</sup> to decide the respondent's OA as expeditiously as possible. Thereafter, it appears that one of the learned members of the Tribunal, Hon'ble Ms. Justice Anu Malhotra, recused from hearing the matter further as she was of the view that she had made detailed observations in earlier orders passed by her and we had directed that the case should be decided uninfluenced by earlier orders passed by the Tribunal.

2. This is entirely a matter of judicial conscience and we cannot sit

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<sup>1</sup> "the Tribunal" hereinafter



in appeal over the decision of the learned judicial member not to hear the matter.

3. We find, further, that several of the members of the Tribunal have recused from hearing the matter of the respondent. The respondent has received an email from the Tribunal on 5 December 2025, in which it is pointed out that the Hon'ble Chairperson as well as two of the administrative members of the Tribunal have recused from hearing the respondent's case.

4. In these circumstances, with the further recusal of Anu Malhotra J, the email has pointed out that it is not possible to convene any appropriate Bench which could hear the matter in Delhi and has therefore, directed the respondent to show cause as to why the matter should not be transferred to Bombay where appropriate Benches are available.

5. The respondent, who appears in person, submits that his matter has been pending for several years and he is without a job and prays, therefore, that the Tribunal may be directed to dispose of the matter within a time bound frame and that the matter be not transferred to Bombay.

6. *Apropos* the second request, we find some substance in the matter, especially, as we had requested the Tribunal to decide the matter. The respondent is arguing his case in person and is in Delhi. It, may not, be fair to transfer the proceedings to Bombay unless the respondent himself so elects.



7. We, therefore, request the Principal Bench of the Armed Forces Tribunal at Delhi to decide this case without transferring it to Bombay, unless the respondent is agreeable thereto.

8. However, insofar as the first request to direct the Tribunal to decide the matter expeditiously is concerned, as we have already noted, several of the learned members of the Tribunal have recused from hearing the case of the respondent. We are unaware of the reasons therefor, but as things stand, the e-mail received by the respondent has pointed out that it is not possible, given the number of recusals that have taken place, to constitute a Bench which could hear the respondent's case.

9. We are sanguine that the learned members who have expressed their disinclination to hear the respondent's case must have done so for valid reasons.

10. Given this position, if it is not possible to constitute a Division Bench as things stand today in Delhi, to hear the respondent's case, we cannot force the Tribunal to constitute a Bench.

11. Nonetheless, given the fact that the respondent is arguing in person and the fact that his case has been pending for long, we dispose of this application with the following directions:

- (i) We again request the Tribunal to take a decision on the respondent's petition consequent to our remand within a period



of six months from today. This would, however, obviously be subject to members being available, of whom a Bench could be constituted to hear the respondent's case. On that aspect, we leave the matter to the discretion of the Chairperson of the Tribunal.

(ii) It would be open, however, for the respondent to accede to the suggestion made by the Tribunal to have the proceedings transferred to Bombay, in the interests of expeditious hearing, thereof. In case, the respondent is, however, unwilling to have the matter decided by the Bombay Bench, we reiterate our request to the Principal Bench to decide the matter within the aforesaid time frame, subject to availability of the members who could sit to hear the case.

(iii) Beyond this, it is not possible for us to monitor the proceedings in the Tribunal, which is a high judicial authority, and entitled to regulate its own procedure.

**12.** The application is, therefore, disposed of in the aforesaid terms.

**C. HARI SHANKAR, J**

**OM PRAKASH SHUKLA, J**

**DECEMBER 8, 2025/rjd**