



2025:DHC:3689-DB



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

+ W.P.(C) 6123/2025

SQN LDR SWATI PRAKASH

.....Petitioner

Through: Mr. Kavish Aggarwala, Mr. Shubham Kumar, Mr Vishal Kumar Singh, Mr Uttam Kumar, Mr Ritesh Singh, Mr Suraj Pathak, Mr Preetam Runthala, Advocates

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr Avshreya Pratap Singh Rudy SPC with Mr Adil Hussain Taqvi, Ms Usha Jannal, Ms Harshita Chaturvedi, Advocates

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE AJAY DIGPAUL

JUDGMENT (ORAL)

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08.05.2025

C. HARI SHANKAR, J.

1. The prayed clause in this writ petition reads thus :

“In view of the facts and circumstances mentioned and the ground raise in this writ Petition the Petitioner humbly prays that this Hon’ble Court may be pleased to allow the present writ by passing the following directions:

A. Issue a writ of Mandamus, or any other appropriate writ, order or direction in the nature thereof, directing the Hon’ble Armed Forces Tribunal to immediately list and expeditiously hear and dispose of the petitioner’s Original Application, which has been pending for over two years



and not taken up for hearing for the past eight months;

B. Direct the Respondents to return of the Petitioner's personal mobile phone, which was taken by the Petitioner's husband on 08.03.2023;

C. Direct the respondents to consider the petitioner for the Board of Permanent Commission without taking into consideration the findings of the Court of Inquiry.

D. Direct the Respondents to award exemplary compensation to the Petitioner for the illegal, arbitrary, and unauthorized seizure and continued detention of her mobile phone without her consent, which amounts to a gross violation of her fundamental rights under Article 21 of the Constitution of India, and due to which the Petitioner has suffered irreparable loss, hardship, and prejudice in both her personal and professional life;"

2. Apropos prayer A, Ms. Rudy, learned counsel for the respondents, points out that the OA filed by the petitioner before the Tribunal is listed on 23 May 2025. Accordingly, no orders are called for, on this prayer. Even otherwise, it is not possible for this Court to micromanage the working of the Tribunal. We are aware of the quantum of work with which the Tribunal is dealing.

3. Prayer B seeks a mandamus from the Court to the respondents to return the petitioner's cell phone, allegedly taken from her by her husband. We do not seek how such a relief can be granted in a writ petition.

4. Prayer C is for a direction to the respondents to consider the petitioner for the Board of Permanent Commission, without taking



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into consideration the findings of the Court of Inquiry¹. Learned counsel for the petitioner is not able to show us any law under which the petitioner can be directed to be considered for Permanent Commission without taking into consideration the findings of the COI.

5. This, however, would not preclude the petitioner from urging the said issue before an appropriate forum, at the appropriate stage.

6. Prayer D also cannot be granted in exercise of our jurisdiction under Article 226 of the Constitution of India.

7. We, therefore, regret our inability to come to the aid of the petitioner.

8. Needless to say, however, this order would not, in any way, influence the proceedings before the AFT, which would be decided on their own merits.

9. The writ petition is, accordingly, disposed of.

C. HARI SHANKAR, J.

AJAY DIGPAUL, J.

MAY 8, 2025/yg

[Click here to check corrigendum, if any](#)

¹ "COI", hereinafter