



2025:DHC:8091-DB



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

+ W.P.(C) 3770/2024

EX SEP RAJI HASAN

.....Petitioner

Through: Mr. Sumit Srivastava, Mr.
Rajesh Pathak and Mr. Satyam Sinha, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Amit Tiwari, CGSC with
Ms. Ayushi Srivastava, Mr. Ayush Tanwar
and Mr. Arpan Narwal, Advs.

Major Anish Muralidhar and Capt. Carolin
Johnson

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)

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11.09.2025

C. HARI SHANKAR, J.

1. This matter has been taken up for hearing by us, out of turn, in view of order dated 16 February 2024 passed by the Supreme Court in Civil Appeal 2509-2511/2024¹. The order reads thus:

“1. Delay condoned.

2. The appellant is aggrieved by the orders dated 17.09.2015 and 13.04.2023 passed by the Armed Forces Tribunal, Regional Bench, Lucknow.

3. The appellant's grievance is that despite his sentence and resultant dismissal from service being set aside, he has been denied the consequential benefits. It is further his case that the co-accused of the appellant, Ashok Kumar has been granted all the

¹ EX SEP Raji Hasan v Union of India



consequential benefits.

4. It appears to us that in light of the three-judge Bench decision of this Court in *Union of India v Parashotam Das*², the appellant now has an effective alternative remedy to approach the jurisdictional High Court and/or Delhi High Court, as the case may be, for redressal of his grievances. Learned counsel for the appellant submits that an appropriate writ petition shall be filed within four weeks.

5. Consequently, the instant appeals are disposed of with liberty to the appellant to approach the High Court. Having regard to the nature of the relief sought by the appellant, we request the High Court to make an endeavour to determine the appellant's claim expeditiously by taking the matter out of turn.”

2. We have heard Mr. Sumit Srivaastava, learned Counsel for the petitioner and Mr. Tiwari, learned CGSC for the respondent.

3. On the allegation that they had associated themselves with one Ikramuddin alias Bihari Sabjiwala, alleged to be an agent of Pakistani Intelligence Agency, the petitioner and one Ashok Kumar were issued charge sheets following which they were subject to General Court Martial.

4. The charges against the petitioner and against Ashok Kumar read thus:

Charges against petitioner

“First Charge
Army Act Section 63

AN ACT PREJUDICIAL TO GOOD ORDER AND
MILITARY DISCIPLINE

in that he,

² (2025) 5 SCC 786



at Kanpur, between October 1997 and November 2000, which came to the knowledge of the authority competent to initiate action on 12 December 2002, while serving with 293 Defence Security Corps Platoon, Central Ordnance Depot, Kanpur, knowing that Shri Ikramuddin alias Bihari Sabjiwala was working as an agent of the Pakistani Intelligence Agency, improperly associated himself with the said Ikramuddin.

“Second Charge
Army Act Section 63

AN ACT PREJUDICIAL TO GOOD ORDER AND MILITARY DISCIPLINE

in that he,

at Kanpur, during October-November 2000, which came to the knowledge of the authority competent to initiate action on 12 December 2002, while serving with 293 Defence Security Corps Platoon, Central Ordnance Depot, Kanpur, knowing that Shri Ikramuddin was working as an agent of the Pakistani Intelligence Agency, improperly introduced No 1553281F Sepoy Mohd Unus of the same unit to the said Shri Ikramuddin.”

Charges against Ashok Kumar

“The accused, No 15472680F Sowar Ashok Kumar of 8 Cavalry, attached to Central Ordnance Depot, Kanpur, is charged with:-

COMMITTING A CIVIL OFFENCE. THAT IS TO SAY, FOR A PURPOSE PREJUDICIAL TO THE SAFETY OR INTERESTS OF THE STATE, COMMUNICATING TO A PERSON, INFORMATION IN RELATION TO MILITARY AFFAIRS OF THE GOVERNMENT WHICH MIGHT BE DIRECTLY OR INDIRECTLY USEFUL TO AN ENEMY. CONTRARY TO SECTION 3(1) (C) OF THE OFFICIAL SECRETS ACT. 1923.

in that he,

on route, Aligarh-Ghaziabad on 19 October 2000, which came to the knowledge of the authority competent to initiate action on 12 December 2002, for a purpose prejudicial to the safety or interests of the State, communicated to Shri Ikramuddin alias Naik Raju, working as an agent of the Pakistani intelligence Agency, the following information relating to Formation/Unit of the Indian Army which might be directly or indirectly useful to an enemy:-

(a) Location of his unit;



(b) the Brigade under which his unit was serving;

(c) Weapon systems of Tanks held by his unit and address of his unit including telephone numbers.”

5. The petitioner and Ashok Kumar were both subjected to separate General Court Martial³. Both were found guilty. The proceedings against Ashok Kumar culminated with the award of punishment of one year’s rigorous imprisonment and dismissal from service whereas the proceedings against the petitioner culminated in a punishment of seven years’ rigorous imprisonment and dismissal from service.

6. The petitioner and Ashok Kumar both filed writ petitions before the Lucknow Bench of High Court of Allahabad which were transferred to the Lucknow Bench of the Armed Forces Tribunal⁴ and numbered Transferred Application 75/2011⁵ and Transferred Application 838/2010⁶.

7. The AFT has, by separate orders dated 17 September 2015 in the case of the petitioner and 4 October 2017 in the case of Ashok Kumar, quashed and set aside the decision of the GCM.

8. The grievance of the petitioner, as already noted by the Supreme Court in its order dated 16 February 2024, is that, while in the case of Ashok Kumar, the AFT additionally observed that consequential benefits would follow, no such observation was

³ “GCM” hereinafter

⁴ “the AFT” hereinafter

⁵ Ashok Kumar v UOI & Ors

⁶ Ex Sepoy Raji Hasan v Chief of Army Staff & Ors.



contained in the order by which the petitioner's TA was allowed.

9. Mr. Tiwari, learned CGSC, on instructions, acknowledges that the petitioner and Ashok Kumar are, for the purposes of consequential benefits, identically situated. He additionally submits that, in fact, the respondent is extending, to the petitioner and Ashok Kumar, the same benefits consequential to the orders passed by the Tribunal.

10. In that view of the matter, the grievance of the petitioner would stand assuaged.

11. We, therefore, dispose of this writ petition by modifying the order dated 17 September 2015 passed by the Tribunal in the Transfer Application 838/2010 filed by the petitioner, by including, in the penultimate paragraph of the order, a stipulation that consequential benefits would follow.

12. The submission of Mr. Tiwari that the petitioner and Ashok will be extended the same consequential benefits consequent to the passing of the order by the Tribunal, is also recorded.

13. The petition stands disposed of in the aforesaid terms.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

SEPTEMBER 11, 2025/dsn