



2025:DHC:10055-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 17295/2025, CM APPL. 71228/2025 & CM APPL. 71229/2025

964377-S LAC TARUN KUMAR

PATEL PROP FIT

.....Petitioner

Through: Mr. Vishwajit Kumar Singh and
Mr. Dinkar Mishra, Advs.

versus

UNION OF INDIA, THROUGH
SECRETARY & ORS.

.....Respondents

Through: Ms. Shagun Shahi Chugh, SPC
with Mr. Yudhveer Singh, Adv.
Sgt. Mindu & Sgt. Vikas

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)

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14.11.2025

C. HARI SHANKAR, J.

1. This petition is directed against order dated 3 September 2025 passed by the Armed Forces Tribunal, Principal Branch, New Delhi¹.

2. The main prayer of the petitioner before the AFT was that he should be permitted to appear in the Corporal Promotion Examination². Even prior to approaching the AFT, the petitioner had been issued a show cause notice dated 20 May 2025, which was

¹ "AFT" hereinafter

² "CPE" hereinafter



predicated on the premise that the petitioner had exhausted three chances of appearing in the CPE and that the maximum period available to the petitioner for the said purpose, of 11 years, had expired. On the premise that the petitioner had, therefore, exhausted all possible chances of appearing in the CPE, the show cause notice proposed to convey a tentative view that the petitioner was unsuitable for retention in the Air Force and, therefore, proposed his discharge from service.

3. Admittedly, the petitioner had submitted a reply to the show cause notice which was pending on the date when the petitioner moved the AFT.

4. The AFT has, in these circumstances, refused to interfere, at this stage, as the show cause notice was pending adjudication.

5. Aggrieved by the decision of the AFT, the petitioner has approached this Court.

6. We see no error in the view adopted by the AFT.

7. Mr. Dinkar Mishra, who appears for the petitioner, submits that, in fact, the petitioner had later been given a waiver of his first chance to appear in the CPE and had, therefore, to his credit, one more chance to appear in the CPE. It was, for this reason, he submits, that the petitioner sought for issuance of a direction to the respondents to permit him to appear in the CPE and further consequential reliefs.



8. The show cause notice which is pending adjudication is predicated on the premise that the petitioner has exhausted all his chances of appearing in the CPE. If it is the petitioner's case that he has one more chance available to him, it is for him to convince the authority issuing the show cause notice in that regard.

9. Learned Counsel for the petitioner submits that he has also submitted a statutory complaint under Section 26 of the Air Force Act, 1950, on 8 September 2025, which is pending adjudication.

10. Notably, this complaint was submitted even after the OA had been dismissed by the AFT.

11. We, therefore, do not see how the petitioner can seek any benefit on the basis of the said statutory complaint.

12. Nonetheless, in order to ensure that substantial justice is done, we permit the petitioner to file a supplementary response to the show cause notice within a period of one week from today, in which the petitioner would be at liberty to take any additional ground, as he may choose, including the grounds taken in the statutory complaint. We are inclined to pass this direction only because the show cause notice is still pending decision.

13. Subject to the aforesaid limited caveat, we decline to interfere with the order passed by the AFT.



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14. The writ petition is dismissed in the aforesaid terms.

C. HARI SHANKAR, J

OM PRAKASH SHUKLA, J

NOVEMBER 14, 2025/AR