



2025:DHC:1474-DB



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

Date of decision: 06.03.2025

+ W.P.(C) 2857/2025

CPL CHANDRA PRAKASH CHHIPA (RETD)Petitioner

Through: Counsel (Appearance not given)

versus

UNION OF INDIA AND ORSRespondents

Through: Mr.Sahaj Garg, SPC with
Sgt Manish Kumar Singh and
Sgt Mritunjay, Air Force Legal
Cell

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (ORAL)

CM APPL. 13512/2025 (Exemption)

1. Allowed, subject to all just exceptions.

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2. This petition has been filed by the petitioner, praying for the following reliefs: -

“(a) A Writ of Certiorari or any other appropriate order for quashing / setting aside Para ‘5’ of Respondent’s Notification No. 1(4)/2007/D(Pen/Policy)/Vol-II dated 04 Nov 2022 to the extent that the said Para ‘5’ by an arbitrary & unreasonable retrospective implementation takes away accrued right of the petitioner for condonation of shortfall / deficiency of less than 01 year in his qualifying service for the purpose of grant of PRORATA

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Pension; And / Or

(b) A Writ of Certiorari or any other appropriate order for quashing / setting aside Respondent's order dated 09 Jan 2025 vide which representation of the Petitioner dated 01 Dec 2024 for grant of PRORATA pension by condonation of the shortfall / deficiency of less than one year in his qualifying service has been rejected; And / Or

(c) A Writ in the nature of Mandamus or any other appropriate order / directions directing the respondents to grant PRORATA pension to the petitioner by condoning the shortfall of less than 01 year in his qualifying service."

3. The learned counsel for the respondents, who appears on advance notice of this petition, placing reliance on the Order dated 05.02.2024 passed by this Court in W.P.(C) 1652/2024, titled ***Roshan Lal Dhull v. Union of India & Ors.***, submits that the said petition, which raises a similar grievance and makes a similar prayer challenging the policy, has been refused to be entertained by this Court by observing that the jurisdiction for the same shall lie with the Armed Forces Tribunal in view of Section 3 (o) of the Armed Forces Tribunal Act, 2007.

4. Keeping in view the above, as also the Judgment of the Full Bench of this Court in ***Squadron Leader Neelam Chahar v. Union of India & Ors.***, 2023:DHC:4578-DB, we are of the opinion that as the petitioner has an alternate efficacious remedy before the learned Armed Forces Tribunal, we would not like to entertain the present petition in the exercise of our powers under Article 226 of the Constitution of India.

