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

% *Date of Decision : 10.02.2026*

+ **W.P.(C) 1792/2026**

LAC VIRENDER CHOUDHARY (S.No.-966620-K)Petitioner
Through: Mr. Durgesh Kumar Sharma, Adv.

versus

UNION OF INDIA & ORS.Respondents
Through: Mr. Syed Abdul Haseeb, CGSC, Ms.
Nasreen Khatoon G.P and Wg. Cdr.
K Srikanth and Sgt Vikram Kumar

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

V. KAMESWAR RAO, J. (ORAL)

1. This petition has been filed challenging the order dated 15.01.2026 passed by the Armed Forces Tribunal in MA No. 188/2026 in O.A. No. 151/2026 which is a determination on the prayer for the interim relief made by the petitioner before the Tribunal. The Tribunal has rejected the grant of interim relief by stating in paragraph nos. 7 to 9 as under:-

“7. AND WHEREAS, the above-mentioned averments have been examined visa- vis the available records and the following facts have emerged: -

7.1. That, as per Para 5 (b) of AFO 23 of 2014, an LAC becomes eligible for CPE after having completed three



months of stay in the unit. Accordingly, you became eligible to appear in CPE wef Jul 15. Out of three available chances, you have availed only two chances for clearing of CPE in Jan-Jun 18 cycle and Jan-Jun 23 cycle, but failed to clear the same on both occasions. Despite having one more chance, you failed to apply for the same within stipulated timeframe (ie before completion of 11 years of service).

7.2. That, as per para 3 of Air HQ/40659/PA (CPC) dated 23 Oct 19, an airman is required to clear CPE before completion of 11 years of service, whereas you failed to apply in the last chance of CPE before completion of 11 years of service (ie 02 Apr 24).

7.3. That, as per extant promotion policy, an LAC is promoted to the rank of Corporal on completion of three years as LAC or five years of total service, subject to passing CPE and fulfilling other eligibility criteria. You had completed three years as LAC on 07 Apr 18 and five years of service on 02 Apr 18, however you have not passed the CPE till date.

7.4. That, you were issued with a warning letter on completion of eight years and eleven months of service for not appearing in CPE. Even after issuance of warning letter, you had enough opportunities to appear in three consecutive AIRPEX cycles (ie Jul-Dec 22 to Jul-Dec 23) for remaining two available chances of CPE. However, you appeared only once during AIRPEX Jan-Jun 23 cycle and failed in the same.

7.5. That, your averment for non-providing of syllabus for AIRPEX Jan-Jun 23 cycle is false and not tenable. It is evident from your counselling dated 22 May 23 that during Jan-Jun 23 cycle you had been briefed about the topics and marks distribution of the said exam. Furthermore, you failed to approach your Unit Adj/ CO for obtaining detailed syllabus/blue print for CPE from RED (C).



7.6. That, policy on timeline to clear CPE dated 23 Oct 19 permits airmen to clear CPE within 11 years of service. Hence, you became ineligible to apply in AIRPEX Jan-Jun 24 cycle. Further, your request to appear in leftover chance of CPE after completion of 11 years of service is not tenable. Since, you have not exhausted all chances of CPE, you are not eligible for remustering in terms of remustering policy issued vide Air HQ/S 40504/PA(CPC) dated 24 Oct 19."

It is seen from above that the speaking order was passed following the policy letter Air HQ/ 40659/PA(CPC) dated 13.06.2023. Para 2 to 4 of letter Air HQ/ 40659/PA(CPC) dated 13.06.2023 provides as under:-

"2. As per Para 15(b) of AFI 01/2019, 'An airman shall be discharged any time, if found inefficient in rank or trade (failure to clear CPE in three permissible chances and unwilling to remuster). Guidelines for processing cases falling under this category have been issued vide above policy on 'Timeline to clear CPE' dated 23 Oct 19. Airmen are expected to assume more responsible positions commensurate with their length of service for which it becomes essential to clear CPE Hence those who have not cleared CPE by 11 years are to be offered remustering so that they can learn a new trade and progress professionally. Those who have not even used their three chances by 11 years clearly display a lackadaisical approach to service requirements and hence discharge from service is to be initiated for them.

3. For giving time and chance to all affected personnel (before implementing the policy), the deadline to complete three chances (and clear CPE) by 11 years of service was extended to the Jul-Dec 22 cycle. However, it is observed that a large number of airmen have still not availed the permissible chances even after three years from the issue of said policy letter. Another set of airmen have exhausted all-chances and still failed to clear CPE and are hence



employed on general duties or tasks they are not trained for. This, less than ideal employment of trained manpower impinges on the operational efficiency of the IAF by creating deficiencies at senior/ supervisory level.

4 In view of the above, following actions shall be taken against the airmen who have failed to clear CPE as on 31 Dec 22: -

(a) Airmen who have completed 11 yrs of service but not exhausted all chances. AFRO is to intimate ACAS (PA&C) about the particulars of airmen who have completed 11 years of service as on 31 Dec 22 and have not exhausted the permissible chances for CPE. Following actions will be taken:

(i) ACAS (PA&C) will process the matter with JAG (Air) for initiation of action for discharge of such airmen from the Service under Rule 16 (2) (g) (i) of the AF Rules, 1969 for 'Services No Longer Required: Unsuitable for Retention in the Air Force.

(ii) On approval by the AOP, Show Cause Notices will be signed by Gp Capt PA on behalf of the AOP and will be forwarded to Command HQ for serving them upon the delinquent airmen at Stns/Units. AFRO will be kept appraised.

(iii) On receipt of reply to the SCN from the airmen or if no reply is submitted within the period stated in the SCN, Stn/Unit will forward the case to Command HQ which will in turn forward the same to AFRO.

(iv) AFRO will forward the consolidated case to ACAS (PA&C), who will process the same through JAG (Air) for obtaining orders of the AOP.

(v) Speaking orders will be signed by the Gp Capt PA and will be forwarded to AFRO for issuance of discharge orders, which will be given effect to as per



existing procedure.

(vi) On completion of each examination cycle, AFRO will intimate ACAS (PA&C) immediately the list of airmen who have completed 11 years of service and not exhausted CPE chances. Actions at Para 4 (a) (i) to (v) above will be initiated."

8. Reliance has been placed by the applicant on the decision of LAC Manoj Kumar(Supra) and it is not applicable to the facts of the present case as in the case of the LAC Manoj Kumar (Supra) the relief sought was to direct the respondents to grant the applicant relief of discharge from service and while dismissing the OA, the Bench has observed in Para 56 to read to the effect :-

"56. We recognize that the nature of military service demands a level of dedication and compliance with established-protocols that is essential for maintaining order and effectiveness within the ranks. JJze undeniable fact that the IAF operates as a technology oriented force, engaged in the management and utilization of sophisticated and specialized equipment, makes it an imperative necessity for well-trained and experienced personnel to effectively handle such advanced technology and the same cannot be overstated."

9. Furthermore, in view of the statement made before the Tribunal by Shri Shailesh Sharma, counsel appearing for the respondents that the order of discharge has already been issued, and since the applicant falls under para 4(a)(i) to (vi) of the policy ibid, at this stage, no ground for grant of interim relief is therefore, made out. "

2. We agree with the conclusion drawn by the Tribunal. In any case, it depicts a prima facia view.



3. It goes without saying that the Tribunal shall consider the above said OA filed by the petitioner without being influenced by the impugned order passed by it.
4. We take on record the submission made by the learned counsel for the respondents that the respondents shall file their counter affidavit in terms of the direction given by the Tribunal.
5. The petition is dismissed.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

FEBRUARY 10, 2026

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