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

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Date of Decision : 18.02.2026

+ **W.P.(C) 19338/2025**

WING COMMANDER MS MANDER

.....Petitioner

Through: Ms. Archana Ramesh, Adv.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Dr. Vijendra Singh Mahndiyani,
CGSC and Mr. Govil Updhyaya,
Adv.

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 by the petitioner challenging the order passed by the Armed Forces Tribunal, Principal Bench, New Delhi ('Tribunal') in Original Application being O.A. No. 2713 of 2025 ('O.A', for short) dated 04.09.2025, with the following prayers:-

"A. Issue a Writ, Order or direction in the form of a Writ of Certiorari to quash and set aside the Impugned Order of The Hon'ble Armed Forces Tribunal, Principal Bench Judgement in OA No 2713 of 2025 in Re Wing Commander MS Mander Versus Union of India dated 04 Sep 2025 and also Air Headquarters, Vayu Bhavan, New Delhi letter dated 28 May 2025 assailed as Impugned Orders and placed collectively as Annexure P-1.

B. Issue a Writ, Order or direction in the form of a Writ of



Mandamus to issue directions to the Respondents to grant pay and allowances from the date of Cashiering to the date of superannuation as Air Marshal (Notional) and followed from the next date by grant of issuing corrigendum PPO as to Air Marshal from that date till death to meet the ends of equity, justice and fair play.

C. Pass such other further orders/ directions by way of adequate exemplary compensation as deemed just and proper by this Hon'ble High Court in the genuine attendant circumstances of the case to meet the ends of equity, justice and fair play."

2. The facts as noted from the petition are that, on 10.06.1977, the petitioner joined Air Force Academy 119 PC (Pilot Course) and he was given a Permanent Regular Commission in the Indian Air Force.

3. During his tenure as Commanding Officer in the Indian Air Force, he along with other Air Force officers were tried by a General Court Martial for a case of Murder of an army personnel. The General Court Martial sentenced him to be cashiered for 5 years Rigorous Imprisonment. The Chief of the Air Staff confirmed the conviction and remitted the sentence to imprisonment to two years in civil prison.

4. The petitioner superannuated on 29.02. 2008 as a Wing Commander.

5. The petitioner challenged the finding of the Chief of Air Staff/ General Court Martial in a writ petition before this Court being W.P.(C)5158/1999. On the formation of the Tribunal in 2009, the writ petition was transferred to the Tribunal and renumbered as TA No. 14/2010. The Tribunal held him not Guilty and quashed the findings and sentence vide judgment dated 14.05.2010, wherein, in paragraph 42, the Tribunal held as under:-

"42. Therefore, in the absence of evidence, the case against



the appellant-accused cannot stand. The findings and convictions are not sustainable. In the result, the appeal is allowed setting aside the conviction and sentence awarded to the appellant-accused. The appellant-accused shall be deemed to be in service till the date of superannuation in the present rank and be entitled to pension thereafter. No order as to backwages.”

6. The Union of India challenged the same before the Supreme Court in Criminal Appeal No. 190 of 2011. The Supreme Court vide its judgment dated 06.11.2024 dismissed the appeal. Pursuant to the same, an order dated 28.05.2025 was passed by the respondent wherein, the petitioner was reinstated in service on the rank of Wing Commander till the date of his superannuation and to granted pension with no order of back-wages.

7. The case of the petitioner before the Tribunal in the O.A was that, he has been acquitted of all the charges, therefore, he is entitled to be notionally promoted to the rank of Air Marshal and grant pay, allowance and all other benefits.

8. The Tribunal vide the impugned order in paragraph 13 onwards held as under:-

“13. After his dismissal from service based on the conviction in the Court Martial till his reinstatement by the order in question on 28.05.2025, the applicant had not discharged his duties, he had not earned his CRs and other QR criteria required for promotion to various posts from the post of Wg Cdr to be promoted as Gp Capt, thereafter, as an Air Commodore, Air Vice Marshal and then as a Air Marshal. Admittedly, he had not earned his ACRs and other QR criteria required by discharging duties in all these posts and, therefore, applying the principle of law as laid down in the case of Yatinder (supra) which is based on a judgment of the Hon'ble Delhi High Court as detailed in Para 9 of the



said judgment, we see no reason to make any indulgence into the matter.

14. In view of the above, we are of the considered view that the benefit granted to the applicant in accordance with the directions issued by the Tribunal in the transferred appeal has already been implemented. Nothing further can now be granted to the applicant by way of treating him as having retired on promotion in the rank of Air Marshal. The reliefs claimed in the application before this Tribunal in our considered view are misconceived and untenable.

15. The application is therefore dismissed.”

9. Ms Archana Ramesh, learned counsel for the petitioner submits that the disciplinary/GCH case commenced against the petitioner from 03.03.1998 and finally ended with the Supreme Court’s verdict on 06.11.2024. She submits that the petitioner having been reinstated is entitled to the benefits of promotions. Denial of same shall be inequitable.

10. She relies upon the following judgments in support of her submissions:-

- i. **Brig. P.S. Gill v. Union of India and Others** in **OA No.147/2010**, decided on 24.05.2011.
- ii. **Shri Amarjit Singh v. Union of India and Others** in **TA No. 610/2009**, decided on 25.02.2010.
- iii. **Yatinder Nath Sharma v. Union of India & Ors.** in **TA No. 394/2009**, decided on 15.10.2015.
- iv. **Re Naib Risaldar Vijay Kumar Singh v. UOI** in **OA No. 365/2010**, decided on 27.08.2014 **and RA No. 57/2016**, decided on 02.09.2024.
- v. **Re Naib Risaldar Lakhman Singh Bhadoria v. UOI** in **OA No. 384/2012**, decided on 27.08.2014 **and RA No.**



60/2016, decided on 02.09.2024.

vi. *Union of India & Ors. v. Major VJ Kharod, (DB) 1987 (5) SLR 630.*

11. We are not in agreement with the submission made by Ms.Ramesh for the simple reason that the order dated 14.05.2010 of the Tribunal is conclusive inasmuch as the Tribunal has held, the petitioner shall be deemed to be in service till the date of superannuation in the **present rank** and be entitled to pension thereafter. When there is a judicial determination that he shall continue in the service on the same rank till the date of superannuation which has been confirmed till the Supreme Court, the plea of Ms Ramesh that the petitioner shall be entitled to consideration for further promotion on notional basis is unmerited. The Tribunal has rightly rejected the prayer in paragraph no.13 onwards, which we have reproduced in paragraph no.8 of this order.

12. Though, Ms. Ramesh, has relied upon the above judgments, the same shall have no applicability in the facts of this case, and in view of the order dated 14.05.2010 of the Tribunal.

13. We are of the view that no interference is called for with the order of the Tribunal.

14. The petition is dismissed.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

FEBRUARY 18, 2026/rk