



\$~68

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

%

*Date of Decision : 29.01.2026*+ **W.P.(C) 1223/2026**

WG CDR SOUMYA DEEP DAS

.....Petitioner

Through: Mr. Anurag Bhatt, Mr. Lokesh Pathak, Mr. Ansh Narayan Tripathi, Mr. Vaibhav Vijayvargiya and Mr. Yash Shahi, Advs.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Ms. Nidhi Raman, CGSC, Mr. Rajan Prakash, GP, Mr. Akash Mishra, Mr. Arnav Mittal, Mr. Mayank Sansonwal and Mr. Om Ram, Advs. with Mr. Anilva Shishat (Air Wing)

**CORAM:****HON'BLE MR. JUSTICE V. KAMESWAR RAO****HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA****V. KAMESWAR RAO, J. (ORAL)****CM APPL. 5969/2026 (exemption)**

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

**W.P.(C) 1223/2026, CM APPL. 5968/2026, CM APPL. 5970/2026 & CM APPL. 5971/2026.**

3. This petition lays challenge to the order dated 01.07.2025 passed by Armed Forces Tribunal ('AFT'), Principal Bench, New Delhi in Original



Application no. 1776/2025 ('OA'), whereby, it had dismissed the OA by making observations in paragraph nos. 4 & 5 of the impugned order, as under:-

*“4. Considering the seriousness of the allegations against the applicant and the fact that he is a man in uniform the departmental authorities have initiated appropriate action by convening a Court of Inquiry. At this stage, interference by the Tribunal on the basis of vague and unspecified allegations made by the applicant is not warranted. The applicant is at liberty to raise all objections before the Presiding Officer of the Court of Inquiry. In case the Court of Inquiry concludes and a charge sheet is issued, the Air Force Act provides statutory and non-statutory remedies to the applicant before the competent authorities. Therefore, invoking the jurisdiction of this Tribunal under Section 14 of the Act at this stage is premature.*

*5. Accordingly, the application is dismissed without expressing any opinion on the merits of the claim. Liberty is granted to the applicant to ventilate his grievances before the competent authorities in accordance with law. If a charge sheet is issued and a regular trial is conducted, the applicant will be at liberty to raise all appropriate grounds therein, where his contentions can be duly examined. At this premature stage, interference by this Tribunal under Section 14 is neither warranted nor called for. We therefore refrain from interfering in the matter.”*

4. The grievance of the petitioner primarily is that certain acts of omission and commission had happened with the Manager of a hotel at Tezpur. The complainant i.e., Manager made certain allegations on the conduct of the petitioner to the authorities in the Air Force. The same became the subject matter of Court of inquiry dated 01.06.2024 which



resulted in the issuance of show cause notices dated 07.08.2024 & 17.04.2025.

5. The petitioner filed the aforesaid OA by stating that the respondents have seized his mobile phone (ICT Device) which contained material evidence in favour of the petitioner on the complaint made by the Manager of the hotel. The prayer made in the OA was to furnish the data deleted from the above said device which was seized by respondents herein. Though, Court of inquiry and show cause notice have been issue, as no final order was passed and also the petitioner having statutory and non-statutory remedies before the authorities in the Air Force, the AFT held that the challenge is at a pre-mature stage.

6. We find that the impugned order is dated 01.07.2025. Pursuant thereto, the respondents have passed an order dated 06.11.2025 imposing the penalty of censure on the petitioner for a period of 24 months.

7. The petitioner sought direction to the authority in the Air Force to provide him the data deleted from the device which was seized by the respondents and also seeking a restrain order against the respondents from conducting the Court of inquiry.

8. Noting the fact that the order of penalty has been passed by the respondents on 06.11.2025 (as per the petitioner, received the same on 19.01.2026), imposing censure on the petitioner, we deem it appropriate to dispose of this writ by granting liberty to the petitioner, as the petitioner intends to challenge the order of censure before the Authorities/AFT, to urge the grounds of denial of data deleted from the mobile phone in the manner averred in paragraph nos. 63 to 73 of the writ petition and if such grounds are raised, the Authority/Tribunal shall consider the ground(s) and deal with



the same and thereafter proceed in accordance with law.

9. The petition and pending applications are disposed of in above terms.

**V. KAMESWAR RAO, J**

**MANMEET PRITAM SINGH ARORA, J**

**JANUARY 29, 2026**

*rk*