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

CNR No. DLHC010388172026

+ **W.P.(C) 12042/2026, CM APPL. 55907/2026, CM APPL.**

55908/2026, CAV 396/2026

UNION OF INDIA & ORS.

.....Petitioner

Through: Mr. Vedansh Anand SPC with Mr
Shivam Kumar, GP, Mr. Kush Garg,
Adv.
Capt. Himanshu Tyagi.

versus

DFR KISHORE KUMAR PODDAR

.....Respondent

Through: Mr. Indra Sen Singh, Adv.

CORAM:

HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

20.08.2026

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1. Heard.

2. The challenge in the present petition by the Union of India is as under:-

“a) Issue a writ of Certiorari or any other appropriate writ, order or direction quashing and setting aside the Impugned 27.10.2025 passed the Learned Armed Forces Tribunal, Principal Bench, New Delhi in OA No. 3253 of 2023 titled “DFR Kishore Kumar Poddar vs Union of India & Ors.”;

b) Pass such other or further order(s) as this Hon’ble Court may deem fit and proper in the interest of justice.”



3. It is the case of the petitioner that, despite the fact that the respondent, had crossed the upper age limit for promotion to the rank of Naib Risaldar on 16th March 2022, the Tribunal ought not to have relaxed the said age limit and directed the petitioner to grant promotion to the respondent.
4. According to him, matters relating to promotion policy, prescription of eligibility conditions and grant of relaxation in the Armed Forces, falls within the executive policy, and since the prescribed age limit comes under such policy, the same is uniformly applicable to all the similarly placed employees including the respondent. Therefore, the Tribunal's order is in violation of Article 14 and 16 of the Constitution of India.
5. We have considered the aforesaid submissions in the light of the findings recorded by the Tribunal.
6. The order of the Tribunal, in categorical terms, deals with the failure of the petitioner to hold the examination timely because of Covid-19 Pandemic.
7. In such an eventuality, the respondent cannot be blamed for the petitioner having not held the examination for promotion to the post, as was sought by the respondent. Rather, had it been the case that the examination was held by the petitioner, the respondent in such an eventuality, had no occasion to seek the condonation before the Tribunal.
8. Apart from above, it appears that the respondent appeared *forthwith* in the next examination, which was otherwise not held by the petitioner in the year 2022 in which he was declared successful.
9. In the aforesaid factual matrix, the Tribunal rightly proceeded to record justifiable reasons in exercising the jurisdiction in favour of the respondent.
10. In such an eventuality, no error apparent on the face of the record or the order cannot be termed contrary to the legal provisions.



11. The writ petition lacks merit and thus stands dismissed.
12. The present petition is disposed of.
13. Pending application(s), if any, also stand disposed of.
14. Order be uploaded on the website of this Court *forthwith*.

NITIN WASUDEO SAMBRE, J

AMIT SHARMA, J

AUGUST 20, 2026/kr/ah