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

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**W.P.(C) 1716/2024, CM APPL. 7053/2024 & 7054/2024**

**ASHISH**

..... Petitioner

Through: Mr. Shiva Nand Mishra, Adv.

versus

**UNION OF INDIA & ORS.**

..... Respondents

Through: Mr. Neeraj Kumar, SPC with Mr.  
Rudra Paliwal, Govt. Pleader.

**CORAM:**

**HON'BLE MR. JUSTICE V. KAMESWAR RAO**

**HON'BLE MR. JUSTICE SAURABH BANERJEE**

**ORDER**

**06.02.2024**

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**CM APPL. 7053/2024**

Exemption allowed subject to all just exceptions.

Application stands disposed of.

**W.P.(C) 1716/2024**

1. We find that the petitioner has filed this petition primarily with the following prayers:

*“The Petitioner, therefore, prays that in the facts and circumstances of the present case, this Hon’ble Court may be pleased to:*

- A. Quash and set aside the impugned order of dismissal of the Petitioner from the service passed vide letter No. CAC/2704/40/Discip dated 18.04.2019;*
- B. Quash and set aside the order issued by the Chief of Air Staff vide letter No. Air HQ/23405/4178/Discip dated 31.03.2022;*
- C. Quash para 9 of Air Force order 03 of 2008 to the extent it provides for dismissal and removal of airman / officer from the service for refusal to take oath or affirmation.*



- D. Order respondent No.1 and 2 for initiation of disciplinary proceedings against Respondent No.6 Air Vice Marshal Jagjeet Singh Bhalla (20186), Judge Advocate General, Air Headquarter (Vayu Bhawan), New Delhi.*
- E. Pass any other and further orders as this Hon'ble Court may deem fit and proper under the facts and circumstances of this case."*

2. In effect, the petitioner has challenged his dismissal from service by the Air Force vide order dated April 18, 2019.
3. We are of the view that the subject matter of the challenge shall lie before the Armed Forces Tribunal.
4. Accordingly, granting liberty to the petitioner to approach the Armed Forces Tribunal, in accordance with law, the petition is dismissed.
5. The period during which the petitioner was pursuing this petition shall be excluded for determining the limitation under the AFT Act.

**CM APPL. 7054/2024**

Dismissed as infructuous.

**V. KAMESWAR RAO, J**

**SAURABH BANERJEE, J**

**FEBRUARY 06, 2024/jg**