



W.P.No.17656 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 03.06.2025

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

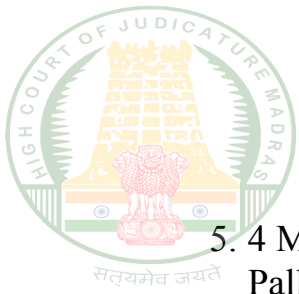
W.P.No.17656 of 2025 and
W.M.P.No.19944 of 2025

V.S.Dakshinamurthy

... Petitioner

-VS-

1. Union Of India
Rep. by its Secretary,
Ministry of Defence,
New Delhi-110 001.
2. The Chief of the Army Staff,
Integrated Headquarters,
South Block, New Delhi-110 001.
3. Under Secretary,
Dept. of Ex.Servicemen Welfare,
Ministry of Defence,
New Delhi-110 001.
4. Integrated HQ of MOD (Army)
Quartermaster General's Branch,
Dy.Dte.Canteen Services,
West Block-III, Wing III,
R.K.Puram, New Delhi 110 066.



W.P.No.17656 of 2025

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5. 4 Madras, Army Camp,
Pallavaram, Chennai C/O 56 APO.

6. Additional Director General,
Army Postal Service, C/O 56 APO.

7. The APS Records,
Army Postal Service Records,
Pin 900746, C/O 56 APO,
Kamptee.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, seeking to call for the records pertains to order dated 11.09.2023 passed in O.A.No.72 of 2019 on the file of Armed Force Tribunal, Chennai, which confirms the Rejection Letter dated 13.11.2017 passed by the 7th respondent and quash the same and consequently, direct the respondents to issue canteen smart card to the petitioner.

For Petitioner : Mr.P.Amritraj

For Respondents : Mr.A.Kumaraguru
Standing Counsel

ORDER

(By J.Nisha Banu,J.)

Mr.A.Kumaraguru, learned Standing Counsel takes notice for the respondents. By consent, the Writ Petition is taken up for final disposal at the stage of admission itself.

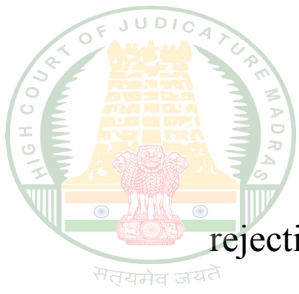


W.P.No.17656 of 2025

2. The case of the petitioner is that he was deputed from Indian

Postal Service to Army Postal Service. He was appointed as Warrant Officer in the Army Postal Service on 27.07.1985 by the President of India for a short term engagement of 18 months. He was availing the canteen facilities from 2013 and after introduction of the Smart Card system, the petitioner applied for issuance of Smart Card on 15.05.2017 with all required documents and on payment of the renewal fee. However, 7th respondent rejected his application on 13.11.2017 for want of minimum years of Army service, namely, 5 years as mandated under the communication dated 28.04.2014.

3. It is further case of the petitioner that he is entitled to avail Smart Card in terms of OM dated 21.07.2011 and 10.04.2013 and the 7th respondent cannot alter or modify the guidelines issued by the 3rd respondent on 21.07.2011 and 10.04.2013 issued pursuant to the order dated 25.05.2010 passed in O.A.No.227 of 2010. According to him, the communication dated 28.04.2014 issued by the 7th respondent cannot override the guidelines issued by the 3rd respondent. Aggrieved by the



W.P.No.17656 of 2025

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rejection letter dated 13.11.2017, the petitioner approached the Armed Forces Tribunal by filing O.A.No.72 of 2019 and the said application was dismissed by the Tribunal without taking into consideration the Order contained in OM dated 21.07.2011 and 10.04.2013. Challenging the order of the Tribunal, the petitioner is before this Court.

4. Learned Standing Counsel appearing for the respondents contended that as per the direction of the Canteen Services Directorate dated 28.04.2014, it is mandatory for personnel deputed in the Army Postal Services to serve for minimum five years in Armed Forces for availing canteen facilities. The petitioner has put in only 3 years 3 months and 25 days of Army Service and therefore, he is not entitled for availing the benefit of canteen services. He further contended that the Tribunal has elaborately dealt with the issue and upheld the rejection letter dated 13.11.2017 issued by the 7th respondent. The order of the Tribunal does not warrant any interference by this Court.

5. Heard the learned counsel on either side and perused the material documents available on record.



W.P.No.17656 of 2025

6. Admittedly, the petitioner was in the Army Postal Service on

deputation basis. In the Army Postal Service, he has completed only 3 years 3 months and 25 days of service. In terms of the old Office Memorandum dated 21.07.2011, issued by the Under Secretary, Department of Ex-Servicemen Welfare, Ministry of Defence, the minimum requirement prescribed for availing canteen facilities was six months and above. The said Office Memorandum was reiterated vide another OM dated 10.04.2013. The petitioner claims his entitlement for canteen facilities on the basis of the aforesaid two Office Memorandums. He was also permitted to utilize the facility from 2013 till the introduction of Smart Card system.

7. Learned Standing Counsel drew our attention to the amended Army Order dated 28.04.2014, which stipulates that canteen facilities would be extended to those, who have served for minimum five years in Armed Forces. The petitioner, having not rendered the requisite years of service in the Armed Forces, cannot claim equity on par with those, who had rendered regular Army Service and prayed for dismissal of the Writ Petition.



W.P.No.17656 of 2025

8. There is force in the contention raised by the learned counsel

for the respondents. He was earlier granted Ex-servicemen ID card and Canteen Card based on the Office Memorandums dated 21.07.2011 and 10.04.2013. Subsequently, those two Office Memorandums dated 21.07.2011 and 10.04.2013 were revised by way of amendment dated 28.04.2014 and a decision was taken to permit a personnel to make use of canteen facilities only on fulfilment of minimum five years of service in Armed Forces. The said decision cannot be faulted with, as it is for the concerned Authorities to revisit the earlier decisions from time to time without committing any procedural irregularities and violating any provisions of Law.

9. It cannot be said that there is a deprivation of the legally entitlement of the petitioner, as he was claiming rights based on the earlier guidelines in vogue. The minimum requirement of having compulsory service in the Armed Forces has been revised from six months to 5 years on 28.04.2014, as per which, the petitioner is not entitled to claim benefits.



W.P.No.17656 of 2025

10. In view of what is stated herein-above, we are of the view

that the Writ Petition lacks merits acceptance. Hence, finding no infirmity in the order of the Tribunal, the *Writ Petition is dismissed*. No costs. Consequently, connected miscellaneous petition is closed.

(J.N.B.J.,) (M.J.R,J.,)
03.06.2025

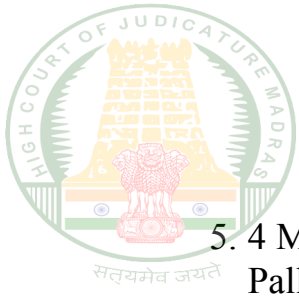
Index: Yes / No

Internet: Yes / No

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To:

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Union Of India
Ministry of Defence,
New Delhi-110 001.
2. The Chief of the Army Staff,
Integrated Headquarters,
South Block, New Delhi-110 001.
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