



2025:DHC:233-DB



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

Date of decision: 17.01.2025

+ W.P.(C) 625/2025

IC-44658 A MAJ. GEN SHAMSHER SINGH AHLAWAT

.....Petitioner

Through: Mr. Ankur Chhibber, Mr.
Anshuman Mehrotra and Mr.
Arjun Panwar, Advs.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Mr. Bharat Singh, Adv. with
Colonel Sarika and Major
Anish Muralidhar, Army.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed by the petitioner, challenging the Order dated 16.12.2024 passed by the learned Armed Forces Tribunal, Principal Bench, New Delhi ("AFT"), in Original Application No. 5085/2024, titled *Maj Gen Shamsher Singh Ahlawat v. Union of India & Ors.*

2. The learned AFT, *vide* the Impugned Order, while granting another six weeks' time to the respondents to decide the petitioner's statutory complaint, has also protected the interest of the petitioner by



2025:DHC:233-DB



further directing the respondents to consider the petitioner in the next Special Selection Board as per the policy in vogue. It was further observed that the retirement of the petitioner shall be subject to the outcome of the said Original Application.

3. The learned counsel for the petitioner submits that the petitioner is set to retire on 31.01.2025. He submits that the learned AFT has premised its impugned order on a misconception that the petitioner would be retiring from service on 31.12.2024. He submits that the respondents be directed to consider the statutory complaint filed by the petitioner at least before his date of superannuation.

4. The prayer made by the petitioner is opposed by the learned counsel for the respondents.

5. We find that the learned AFT has adequately protected the interest of the petitioner. The respondents had contended that, in terms of Paragraph 364 of the Regulation for the Army, 1987 (Revised Edition), they have a period of 180 days for processing and deciding on a statutory complaint. In spite of the same, the learned AFT has now granted the respondents only six weeks time to consider the statutory petition of the petitioner. It has also directed that the retirement of the petitioner shall be subject to the outcome of the Original Application. Adequate protection has, therefore, been granted for the interest of the petitioner.

6. We therefore, find no merit in the present petition, however, observe that, if possible, the respondents may consider the statutory complaint of the petitioner before the date of his superannuation.



2025:DHC:233-DB



7. With the above observations, the petition is disposed of.

NAVIN CHAWLA, J

SHALINDER KAUR, J

JANUARY 17, 2025/ss/km/DG

Click here to check corrigendum, if any