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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 1029/2025**
LT COL AMAR SINGH (RETD)

.....Petitioner

Through: Ms. Deepika Sheoran and Mr.
Gaurav Arya, Advs.

versus

UNION OF INDIA AND OTHERS

.....Respondents

Through: Mr. Vijay Joshi, Mr. Shivam
Sachdeva and Mr. Hemant
Goyal, Advs. with Major Anish
Muralidhar.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER
28.01.2025

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CM APPL. 5101/2025

1. Allowed, subject to all just exceptions.

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2. This petition has been filed by the petitioner, praying for the following reliefs:-

*“(a) To issue a writ of Quo Warranto against the Respondents to show cause why the authority to re-fix the Petitioner's rank and recover excess pension after such an extended period should not be deemed unlawful.
(b) To issue a writ of Mandamus directing the*



Respondents to restore the Petitioner's rank to Lieutenant Colonel.

(c) To issue a writ of Mandamus directing the Respondents to correctly re-fix the pension as per the rank of Lt Col and pay all the arrears with interest @9% per annum.

(d) To award the cost of litigation and compensate for the mental trauma caused over the years to the petitioner.”

3. The learned counsel appearing on behalf of the respondents has raised a preliminary objection that the petitioner is enrolled in the Army and is seeking pension or restoration of his rank under the Army Rules, therefore, he must approach the learned Armed Forces Tribunal. He submits that the relief claimed by the petitioner can be claimed before the learned Armed Forces Tribunal under Section 3(o) read with Section 14 of the Armed Forces Tribunal Act, 2007.

4. We agree with the objection raised by the learned counsel for the respondent. Section 3(o) of the Armed Forces Tribunal Act defines the term “service matters” as under:

(o) “service matters”, in relation to the persons subject to the Army Act, 1950 (46 of 1950), the Navy Act, 1957 (62 of 1957) and the Air Force Act, 1950 (45 of 1950), mean all matters relating to the conditions of their service and shall include—

(i) remuneration (including allowances), pension and other retirement benefits;

(ii) tenure, including commission, appointment, enrolment, probation, confirmation, seniority, training, promotion, reversion, premature retirement, superannuation, termination of service and penal deductions;

(iii) summary disposal and trials where the punishment of dismissal is awarded;

(iv) any other matter, whatsoever,



but shall not include matters relating to—

- (i) orders issued under section 18 of the Army Act, 1950 (46 of 1950), sub-section (1) of section 15 of the Navy Act, 1957 (62 of 1957) and section 18 of the Air Force Act, 1950 (45 of 1950); and*
- (ii) transfers and postings including the change of place or unit on posting whether individually or as a part of unit, formation or ship in relation to the persons subject to the Army Act, 1950 (46 of 1950), the Navy Act, 1957 (62 of 1957) and the Air Force Act, 1950 (45 of 1950);*
- (iii) leave of any kind;*
- (iv) summary court martial except where the punishment is of dismissal or imprisonment for more than three months;*

5. From a reading of the above not only matters of pension, other retirement benefits, but also matters of appointment, seniority, promotion and reversion, are included in the term “service matters”.

6. Section 14 of the Armed Forces Tribunal Act vests jurisdiction in the Armed Forces Tribunal to adjudicate disputes in relation to “all service matters” that are in relation to persons subject to *inter alia* the Army Act, 1950.

7. Therefore, for the claim raised by the petitioner in the present petition, the petitioner has an alternate efficacious remedy to approach the learned Armed Forces Tribunal by way of an application under Section 14 of the Armed Forces Tribunal Act.

8. Since an efficacious alternate remedy is available with the petitioner, we refuse to entertain the present petition which seeks to invoke the extra-ordinary discretionary jurisdiction of this Court under



Article 226 of the Constitution of India.

9. The present petition is accordingly disposed of, reserving liberty for the petitioner to avail of his remedies in accordance with law.

NAVIN CHAWLA, J

SHALINDER KAUR, J

JANUARY 28, 2025/ss/F/DG

Click here to check corrigendum, if any