



2025:DHC:1953-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 3592/2025, CM APPL. 16814/2025 & CM APPL. 16815/2025

NO.950438-R VIKRAM SINGHPetitioner
Through: Mr. Ankur Chhibber, Adv.

versus

UNION OF INDIA AND ORSRespondents
Through: Dr. Vijendra Singh Mahndiyan,
CGSC with Ms. Divyakshi Singh, Ms. Isha
Singh, Advs. with Sgt Vikash Kumar and
Mr. Kapil Dev Yadav, GP.

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE AJAY DIGPAUL

JUDGMENT (ORAL)
24.03.2025

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C. HARI SHANKAR, J.

1. The petitioner joined employment with the Indian Air Force¹ as an Airman on 28 September 2011. He was promoted as leading Aircraftsman in 2013, Corporal in 2016, and Sergeant on 3 October 2024. He is presently serving as a Sergeant with the Indian Air Force.

2. Various Air Force Orders² were issued by the IAF from time to time, prescribing the criteria to be satisfied for Airmen to apply for civil posts/services under the Central/State Government of Public

¹ "IAF" hereinafter

² "AFO" hereinafter



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Sector Undertakings.

3. The petitioner has made reference, in the writ petition, to AFO 14/2008, AFO 4/2012 dated 31 May 2012, and AFO 33/2017 dated 8 December 2017.

4. After the aforesaid AFOs, the IAF issued AFO 23/2022 dated 30 November 2022, which cancelled and superseded all earlier AFOs. This last AFO 23/2022 required Airmen, in order to be eligible for appointment to civilian posts, to be “in the last year of their residual service prior to expiry of their initial RE/Extended RE/Obligatory period, whichever is later”.

5. The petitioner has candidly acknowledged, in the writ petition, that he does not satisfy the aforesaid criterion, envisaged by AFO 23/2022 dated 30 November 2022.

6. Pursuant to the aforesaid AFO 23/2022, the IAF issued HRP Part II/CP/02/2022 on 15 December 2022, which has been referred to, in the writ petition, as “HRP 2022”.

7. It is an admitted position that the petitioner does not satisfy the aforesaid criterion as contained in AFO 23/2022 and HRP 2022, which would render him eligible to apply for a post in civil employment under the Government.

8. The petitioner’s main grievance is that the AFO 23/2022 and



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resultant HRP 2022 are excessive, and infract the petitioner's right to avail civil employment especially as they introduced a condition which was not there in any of the earlier AFOs.

9. The petitioner, therefore, approached the Armed Forces Tribunal³ by way of OA 579/2025 with the following prayers:

“In view of the aforementioned facts and circumstances, it is therefore most respectfully prayed that the Hon'ble Tribunal may be pleased to:

(i) Quash or set aside of the HR policy dated 15.12.2022 to the extent that clause 5 is arbitrary, unreasonable and discriminatory as it categorises similarly situated personnel by two different yardsticks by discharging only those airmen who are in their last year of their residual service, i.e. 19 years contrary to the provisions of the Air Force Act, 1950 and for quashing of the remarks endorsed on 28.08.2024 in the application dated 23.08.2024 and endorsed on 20.12.2024 in the application dated 19.12.2024 and also for quashing of the letters dated 11.09.2024 and 24.12.2024 whereby the Respondents/Air Force have rejected the request of the Applicant to grant NoC as well as discharge certificate.

(ii) Direct the Respondents/Air Force to issue NoC/Discharge Certificate from the post of Sergeant so as to allow him to join the post for which he has been selected, i.e. Assistant Professor (Hindi) and also grant the same relief as has been granted by the Hon'ble High Court of Delhi in catena of judgments on the issue and affirmed by the Hon'ble Apex Court.”

10. The petitioner also prayed for interim relief to the effect that his candidature be not cancelled and one post be kept vacant pending the disposal of OA 579/2025.

³ “Tribunal” hereinafter
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11. The Tribunal has, by order dated 3 March 2025, issued notice in the OA and rejected the prayer for interim relief. The order reads thus:

“Issue notice. Ms. Garima Sachdeva, learned counsel for the respondents, accepts notice. Let counter affidavit be filed within six weeks. Rejoinder, if any, may be filed within two weeks thereafter.

2. Heard on the question of interim relief.

3. The applicant is seeking relief to join civil employment which is contrary to the requirements of the policy. The applicant appeared in the process for the appointment of Assistant Professor (Hindi) with the Rajasthan Public Service Commission (RPSC) without obtaining the No Objection Certificate (NoC) prior to participating in the selection process.

4. Taking note of similar orders passed in identical matters, we are not inclined to grant any interim relief to the applicant at this stage. Furthermore, the prayer for interim relief directing the Rajasthan Public Service Commission to keep a post vacant in the grade of Assistant Professor (Hindi) is beyond the jurisdiction of this Tribunal, and therefore, this relief cannot be granted.

5. List again on 05.05.2025.

6. Let a copy of this order be given ‘*DASTI*’ to both the parties.”

12. Aggrieved thereby, the petitioner has instituted the present writ petition before this Court.

13. Inasmuch as the petitioner, today, is admittedly ineligible as per the existing HRP 2022, we do not deem it an appropriate case to interfere with the impugned order passed by the Tribunal, especially as it is interlocutory in nature and we are exercising limited *certiorari* jurisdiction under Article 226 of the Constitution of India. Interference with interim orders, in such cases, has to be only in



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exceptional instances.

14. Moreover, the interim relief sought by the petitioner would be predicated on the premise that he would succeed in his challenge in HRP 2022. We are of the opinion that, in any event, such a relief would not have been granted at an interim stage and that, therefore, the Tribunal was justified in refusing to do so. A relief which espouses a claim, the right to which is *consequential* to the grant of the main relief in the petition, cannot ordinarily be sought at an interim stage.

15. However, we are conscious of the fact that the petitioner has every legitimate right to seek advancement in career prospects and that the post to which he aspires is a post of Assistant Professor.

16. Keeping in mind the fact that, under all earlier AFOs, the petitioner would have been eligible, and is not eligible only because of the HRP 2022, we deem it appropriate to request the Hon'ble Tribunal to take up and decide the petitioner's application on an early date, preferably within a period of six weeks from today.

17. In order to fix a date of hearing, which would be convenient to the Tribunal, the parties are directed to appear before the Tribunal on 3 April 2025.

18. We make it clear that we have not expressed any opinion on any aspect of the matter. All issues preliminary, as well as final, would be



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open for agitation before the Tribunal.

19. In order to expedite matters, we direct the respondents to file their counter-affidavit positively within three weeks, with advance copy to the learned Counsel for the petitioner, who may file rejoinder thereto, if any, within one week thereof.

20. No extension of time for filing counter-affidavit or rejoinder shall be granted.

21. We dispose of the writ petition in the aforesaid terms reserving liberty with either side, should it be aggrieved by the decision of the Tribunal, to avail all remedies as may be available in law.

C. HARI SHANKAR, J.

AJAY DIGPAUL, J.

MARCH 24, 2025

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[Click here to check corrigendum, if any](#)