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

Date of decision: 26.05.2025

+ W.P.(C) 7321/2025

798337-R EX- SGT R C SINGH

.....Petitioner

Through: Mr. Arvind Kumar and Ms.
Anjali Prasad, Advs. along with
petitioner in person.

versus

UNION OF INDIA & OTHERS

.....Respondents

Through: Mr. Sandeep Kumar Mahapatra
and Mr. Tribhuvan, Advs.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (ORAL)

CM APPL. 16203/2025 (Exemption)

1. Allowed, subject to all just exceptions.

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2. This petition has been filed by the petitioner, challenging the Order dated 30.04.2025 passed by the learned Armed Forces Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal') in application, being M. A. 1833/2025, filed in O.A. No. 858/2019, titled ***Ex. Sgt. R. C. Singh (Convict) v. Union of India & Ors.***, dismissing the same.

3. The above application has been filed by the petitioner under Rule 25 of the Armed Forces Tribunal (Procedure) Rules, 2008,



seeking stay of the Order of conviction and sentence passed against him by the District Court Martial (hereinafter referred to as, 'DCM').

4. The learned Tribunal, in the Impugned Order, observed that the petitioner has been granted bail and the sentence awarded to him has been suspended, vide its Order dated 24.05.2019. The learned Tribunal further observed that the submissions made by the learned counsel for the petitioner in support of the plea of suspension of conviction and sentence, are matters to be determined at the time of hearing of the O.A. It further held that given the nature of the offence, the petitioner cannot be reinstated during the pendency of the O.A..

5. The learned counsel for the petitioner submits that the charges framed against the petitioner are completely false and originate from a complaint made by one Sh. Nurul Hassan, SDO (Phones), BSNL, Ghaziabad. He further submits that in the DCM, however, the superior of the complainant stated that the said complaint was not to his knowledge nor had it been filed after taking approval of the Competent Authority. He contends that once the complaint itself is found to be false, the entire DCM proceedings would automatically fail. He further contends that even otherwise, there was no evidence to proceed against the petitioner or for finding him guilty in the DCM. In support of his contentions, the learned counsel for the petitioner relies upon ***Navjot Singh Sidhu v. State of Punjab & Anr.***, (2007) 2 SCC 574.

6. We have considered the submissions made by the learned counsel for the petitioner, however, find no merit in the same.

7. The petitioner has been charged on the following offences:



*“a) **First Charge:** Under section 65 of AF Act 1950 an act prejudicial to good order and discipline in that Sgt RC Singh at 28 Wg AF on 21 Apr 16 on being asked for an explanation by Wg Cdr Pranav Sharma 27170 AE (L) of 28 Wg AF wrt complaint dated 01 Apr 16 submitted against him by Sh. Noorul Hasan, SDO (Phones) BSNL Ghaziabad vide letter no. SDOP/ SHE/ AFH/ Official Corr/01 dated 01 Apr 16 walked out of office of said Wg Cdr Pranav Sharma in an arrogant manner and without paying compliments.*

*b) **Second Charge:** Under section 40(c) of AF Act 1950 using insubordinate language to his superior officer at 28 Wg AF on 22 Apr 16 on being handed over 28 Wg letter no. 28W/S 2719/6/Com&IT dated 22 Apr 16 along with the complaint of Sh. Nooml Hasan dated 01 Apr 16 by 689869-K JWO RK Sharma Photo Fit of 28 Wg AF threw the said letter onto JWO RK Sharma and said “You can add this charge also”, or words to that effect.*

*c) **Third Charge:** Under section 40(c) of AF Act 1950 using insubordinate language to his superior officer at 28 Wg AF on 22 Apr 16 on being told by Wg Cdr Pranav Sharma 27170 AE(L) of 28 Wg AF to leave her office, said to Wg Cdr Pranav Sharma (fuck off or words to that effect.*

*d) **Fourth Charge:** Under section 65 of AF Act 1950 an act prejudicial to good order and discipline at BSNL office Ghaziabad on 01 Apr 16 threatened Sh. Noorul Hasan SDO (Phones) BSNL Ghaziabad by saying “I will kill you” or words to that effect.”*

8. From the above, it would be apparent that the charge against the petitioner is of insubordination and using foul language. The veracity of the original complaint made by Sh. Nurul Hassan, does not appear to have been the prime focus of the Competent Authority, or even the DCM while convicting the petitioner.



9. As noted hereinabove, the O.A. has been pending adjudication before the learned Tribunal since the year 2019. The petitioner has been dismissed from the service and also sentenced on the basis of the finding of the DCM. The legality of these orders will have to be tested by the learned Tribunal. At this stage, therefore, a case for suspension of the conviction and sentence is not made out by the petitioner. We may also note that the Supreme Court in ***Shyam Narain Pandey v. State of U.P.***, (2014) 8 SCC 909, after considering the judgment in ***Navjot Singh Sidhu*** (supra), has held that the accused must show cogent reasons for seeking suspension of sentence, and mere loss of job cannot be held to be an exceptional case for staying the conviction.

10. Accordingly, finding no merit in the present petition, the same is dismissed.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

MAY 26, 2025

p/kz/VS

Click here to check corrigendum, if any