



2025:DHC:11553-DB



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

+ **W.P.(C) 12868/2021**

EX RECT OPR SHASHI RANJAN KUMARPetitioner

Through: Mr. Ajit Kakkar, Mr. Tejas
Bhonge Advocates

versus

UNION OF INDIA & ORS.Respondents

Through: Mr. Siddhant Bajaj for Mr.
Jagdish Chandra Solanki, CGSC with Major
Anish Muralidhar Army

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)

% **15.12.2025**

C. HARI SHANKAR, J.

1. The petitioner is aggrieved by his dismissal from service after he had been enrolled in the Indian Army by Discharge Certificate dated 13 December 2019.

2. In earlier orders passed in this case, the Court had noted the fact that this writ petition may be amenable to adjudication by the Armed Forces Tribunal¹.

3. Mr. Bajaj, appearing on behalf of Mr. Jagdish Chandra Solanki, learned CGSC, has drawn our attention to para 11 of the judgment of a Coordinate Bench of this Court in *Ex. Recruit Himanshu Tewtia v.*

Signature Not Verified¹ "AFT", hereinafter

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KUMAR
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*UOI*², which reads thus :

“11. It is not in dispute that the petitioner had been given Army No.3217440W and he was discharged from the service under Rule 13(3)(IV) of the Army Rules, 1954. *One, a candidate is enrolled in the Army and the Army Number is given and action is also taken against the Army Rules, it is the learned Tribunal which shall have the jurisdiction.* Thus, we do not agree with the opinion of the learned Tribunal whereby it is observed that in view of judgment of Full Bench of Armed Forces Tribunal (AFT) and the order of this Court, the Tribunal has no jurisdiction.”

4. In the present case, the petitioner, even as per his own written submissions, was enrolled in the Army on 9 June 2018. The impugned order itself states that he was given Army No.15253477M Rect (OpR). The dismissal of the petitioner was also in terms of the Army Act, 1950 and Army Rules, 1954. Para 5 of the order of dismissal of the petitioner from service also reads as under :

“5. As the competent authority and by the powers vested in me, direct that Number 15253477M Recruit (Operator) Shashi Ranjan Kumar be dismissed from Indian Army under the provisions of Army Act section 20 read with Army Rule 17 in consonance with Additional Directorate General of Recruiting/ Recruiting 5 (OR) (d), Adjutant General's Branch Army Headquarters letter No A/04153/Rtg 5(OR) (d) 13 November 1978 for having found ‘Unfit’ for the service by civil authorities and his involvement in criminal cases and also under the authority or table (iv) annexed to Army Rule 13 (3) being unlikely to become an efficient soldier with effect from 13 December 2019.”

5. Clearly, the *lis* in this petition is amenable to adjudication by the AFT.

6. We, therefore, relegate the petitioner to the AFT.



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7. However, as the petition has remained pending before this Court for four years, we are not requiring the petitioner to file the petition afresh before the AFT. We direct the Registry of this Court to transmit the record of this case forthwith to the AFT, within a period of one week from today.

8. The Registry of the AFT would assign a Transferred Application Number to this petition and list it before the appropriate Bench for adjudication. The appropriate Bench would treat the record of this writ petition as the record of the Tribunal and would proceed to decide the matter in accordance with law.

9. In order to expedite matters, we direct the parties to appear before the designated Bench of the AFT on 9 January 2026.

10. Needless to say, we have not expressed any opinion on the merits of the dispute.

11. The writ petition stands disposed of, in the aforesaid terms.

C. HARI SHANKAR, J

OM PRAKASH SHUKLA, J

DECEMBER 15, 2025/yg