



2025:DHC:11818-DB



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

+ W.P.(C) 15582/2022 & CM APPL. 48479/2022

ASHOK KUMAR YADAVPetitioner
Through: Mr. Himanshu Upadhyay, Adv.

versus

UNION OF INDIARespondent
Through: Mr. Vijay Joshi, CGSC, Mr.
Kuldeep Singh, Adv. with SGT Manish
Kumar Singh & SGT Mritunjay DAV Legal
Cell Air Force for UOI

+ W.P.(C) 1618/2022 & CM APPL. 4719/2022

PANKAJ PANDEY AND ORS.Petitioners
Through: Mr. Himanshu Upadhyay, Adv.

versus

UNION OF INDIA AND ORS.Respondents
Through: Mr. Neeraj SPC, Mr Rudra
Paliwal GP, Mr Soumyadip Chakraborty,
Advs.
Sgt Manish Kumar Singh and Sgt Mritunjay
DAV Legal Cell Air Force, For Union of
India

+ W.P.(C) 10960/2022 & CM APPL. 31982/2022

PANKAJ KAPOOR AND ORSPetitioners
Through: Mr. Himanshu Upadhyay, Adv.

versus

UNION OF INDIA AND ORSRespondents
Through: Ms. Shubhra Parashar and Mr.
Virender Pratap Singh Charak Advocates



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with SGT Manish Kumar Singh and Mr.
Mritunjay DAV legal cell

+ W.P.(C) 6654/2022 & CM APPL. 20194/2022

TARUN KUMAR ACHARYA AND ORSPetitioners
Through: Mr. Himanshu Upadhyay, Adv.

versus

UNION OF INDIA AND ORSRespondents
Through: Mr. T. P. Singh, SPC, with Sgt.
Manish Kumar Singh and Sgt. Mritunjay
DAV Legal Cell, Air force

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)

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22.12.2025

C. HARI SHANKAR, J.

1. To a query as to why these writ petitions would not lie before the Armed Forces Tribunal, the submission of Mr. Himanshu Upadhyay, learned Counsel for the petitioners, is only that these writ petitions involve legal issues and have been pending before this Court since 2022.

2. This cannot be a ground for us to entertain matters which are amenable to the jurisdiction of the AFT in view of the judgment of the Full Bench of this Court in *Squadron Leader Neelam Chahar v.*



*Union of India*¹.

3. However, as these matters have been pending before this Court, we are not requiring the petitioners to re-file the matters before the AFT.

4. The parties shall appear before the Principal Bench of the AFT on 9 January 2026.

5. We direct the Registry of this Court to transmit the record of these petitions to the AFT which would re-number them as Transferred Applications and proceed therewith in accordance with the law.

6. The record of this Court would be treated as the record of the AFT and proceedings would continue from the stage at which they are at present.

7. Mr. Upadhyay prays that the AFT may be requested to decide the matters expeditiously within a time bound frame.

8. Inasmuch as these writ petitions involve pro rata pension, we request the learned AFT to deal with these matters as expeditiously as possible.

9. Needless to say, should the petitioners remain aggrieved by the

¹ Judgment dated 26 May 2023 in **WP(C) 9139/2019**.



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decision of the AFT, their rights in law in that regard would remain reserved.

C. HARI SHANKAR, J

OM PRAKASH SHUKLA, J

DECEMBER 22, 2025/dsn