



2025:DHC:1603-DB



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

Date of decision: 11.03.2025

+ **W.P.(C) 16128/2023 & CM APPL. 5172/2025**

SARDAR SURJEET SINGH

.....Petitioner

Through: Mr.Ankur Chhibber,
Mr.Anshuman Mehrotra,
Mr.Nikunj Arora, Advocates.

versus

UNION OF INDIA AND ORS

.....Respondents

Through: Ms.Manisha Agarwal Narain,
CGSC, Mr.Sandeep Singh
Somaria, Mr.Nipun Jain,
Advocates.
Mr.Ashok Kumar Jangir,
MWO, Mr.Vikash Kumar,
SGT, Mr.Anil Baloda, SGT
(IAF).

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MR. JUSTICE TEJAS KARIA

NAVIN CHAWLA, J. (Oral)

1. This petition has been filed by the petitioner on or around 06.12.2023, challenging the Order dated 13.11.2023, whereby the respondents rejected the application of the petitioner seeking grant of a No Objection Certificate (NOC) for applying to a Civil Post, holding him to be ineligible under the provision of the Air Force Order, AFO



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No. 33/2017, Air HQ Letter No. Air HQ/40726/PA(CPC), and AFO 04/2023.

2. During the pendency of the present petition, however, the petitioner re-applied for issuance of an NOC, and the respondent issued the same to the petitioner on 10.07.2024, however, stipulating that he shall be discharged from service on 30.06.2025 on completion of 20 years and 3 days of service.

3. Pursuant to the grant of the NOC, the petitioner has secured an employment with the respondent no.4 as Assistant Planning Officer.

4. The petitioner claiming that the said offer would lapse on 25.02.2025, filed an application, being CM 5172/2025, praying that his date of discharge from service with the Indian Air Force be preponed so as to enable him to join his service with the respondent no.4.

5. The learned counsel for the respondent nos.2 and 3, on 20.02.2025, placed on record a speaking Order dated 17.02.2025 passed by the Competent Authority, rejecting the request of the petitioner for a pre-mature release from service stating that the petitioner is required for acting as a guide to the newly enrolled air warriors. The petitioner on that date claimed that he was posted as “surplus” staff and was not essential to be continued in service. We therefore, directed the respondent nos.1 to 3 to file an additional affidavit stating the current posting of the petitioner and whether the same can be considered as “surplus”, thereby entitling the petitioner to be released from service pre-maturely.



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6. In compliance with the said direction, the respondent nos.1 to 3 filed an affidavit dated 25.02.2025, *inter alia* stating therein that the petitioner has vast experience and core knowledge required for performance of his work as Plant Maintenance Fitter (Electrical) (in short, 'PMF(E)'). It was further stated that presently the Indian Air Force is facing an acute shortage of airmen in the various critical trades. The trade and the position of PMF(E) is very important to maintain operational capabilities of the Indian Air Force (IAF), and there was a deficiency of 1207 personnel in the structure fitter of the Indian Air Force (IAF). It is further stated that at present 02 airmen of PMF(E) trade are posted at 26 Wing including petitioner. Additionally, one Corporal of the said trade is posted to 26 Wing with effect from 27.01.2025 as replacement for the petitioner. Generally, an airman is posted to any unit in advance so that he can go through On Job Training at the new place under the supervision of Senior Non-Commissioned Officers like the petitioner before taking over the duties independently. The respondents contend that the presence of the petitioner in the coming 3 to 4 months would be crucial for imparting On Job Training and smooth handing over of duties to newly posted air warrior as well as functioning of the Power Plant Section of 26 Wing AF.

7. The learned counsel for the respondent no.4 has submitted that the selection panel for the post of Assistant Planning Officer with the respondent no.4, offered to the petitioner, has lapsed on 11.01.2025.

8. We have considered the submissions made by the learned



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counsels for the parties.

9. In the present petition, the petitioner has been agitating this petition for grant of NOC since 2023. After obtaining the NOC from the respondent nos. 1 to 3, he applied to the respondent no.4 and secured a job as an Assistant Planning Officer. He is due to be discharged on 30.06.2025. In today's scenario, he may not be able to secure a job post his release on 30.06.2025. At the same time, however, he is unable to join the said post because the respondent nos.1 to 3 require his services and are unable to release him from the service till 30.06.2025. We are therefore, required to balance the equities.

10. We, accordingly, dispose of the present petition by directing as under:

- a) The respondent nos.1 to 3 shall consider releasing the petitioner from the service as expeditiously as possible, subject to their service requirement and exigency, but not later than 30.06.2025;
- b) The respondent no.4 shall not cancel the Offer of Employment to the petitioner till 15.07.2025, and in case the petitioner reports for service to the respondent no.4 on or before 15.07.2025, the petitioner shall be duly accommodated for the same, subject to other Rules and Conditions applicable to the position offered to him.

11. With the above directions the present petition is disposed of.



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12. Pending application is also disposed of being infructuous.
13. It is made clear that the present order has been passed in the peculiar circumstances of the present case and shall not be treated as a precedent.

NAVIN CHAWLA, J

TEJAS KARIA, J

MARCH 11, 2025/KG/VS

Click here to check corrigendum, if any