



2025:DHC:10295-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 17445/2024 & CM APPL. 74195/2024, CM APPL. 41185/2025 and CM APPL. 45090/2025.

UNION OF INDIA & ORS.

.....Petitioners

Through: Mr. Farman Ali CGSC, Ms Usha Jamnal, Col. Ms. Sarika, Lt Col Deepak Ranvan, Maj Tarun Pillai, Major Anish Muralidhar.

versus

IC 65809 LT COL SANDEEP KUMAR

.....Respondent

Through: Mr. Pushkar Sharma and Ms. Nagma Bee.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

ORDER(ORAL)

20.11.2025

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C. HARI SHANKAR, J.

1. The respondent had approached the Armed Forces Tribunal¹ by way of OA 1413/2022, aggrieved by the fact that he was not empanelled by the Selection Board which met in September 2020, the results of which were announced in October 2020, for rank of Colonel.

2. By order dated 11 November 2024, the AFT has allowed the OA, holding that the Value Judgment marks, which were assigned to the respondent, were not acceptable. According to the decision of the

¹ "AFT" hereinafter



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AFT, if the respondent was to be awarded proportionate Value Judgment marks, he would be empanelled for promotion.

3. Following this reasoning, the AFT has directed the respondent to be promoted as Colonel with the 2004 AOC batch decision, as a first review case, based on which intra-batch seniority would follow with consequential benefits.

4. The Union of India has approached this Court under Article 226 of the Constitution of India, assailing the aforementioned judgment of 11 November 2024 of the AFT.

5. During the pendency of these proceedings, against an order dated 18 December 2024, passed by this Court, the respondent approached the Supreme Court by way of SLP (C) Diary 52257/2025. The said SLP was disposed of, by the Supreme Court, by order dated 13 October 2025, noting the fact that the present writ petition was listed for hearing before this Court today, with a request to this Court to hear and dispose of this matter as expeditiously as possible.

6. We, therefore, fixed the matter for hearing today.

7. We have heard Mr. Farman Ali, learned CGSC for the petitioners and Mr. Pushkar Sharma learned Counsel for the respondent.

8. Learned Counsel between themselves agreeable *ad idem* to this



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writ petition being disposed of, in the following terms:

- (i) The case of the respondent would be reconsidered by a Selection Board, which would assess his entitlement as in September 2021 for promotion as Colonel.
- (ii) The value judgment marks, which were originally assigned to the respondent, would not be taken into consideration by the Selection Board, while assessing the respondent's case for promotion.
- (iii) The respondent's case would be assessed by the next Selection Board, which would meet in March-April 2026.
- (iv) The respondent would also be entitled for consideration of waiver of the age requirement, keeping in mind para 5(e) of the MS policy dated 3 December 2010 and paras 109 to 112 of the judgment of the Coordinate Bench of this Court in ***Col. Sandeep Sharma v Union of India***².
- (v) In case the respondent is found suitable for selection as Colonel, his case would be treated as having been approved w.e.f. September 2021.
- (vi) Needless to say, should the respondent continued to remain aggrieved by any decision that is taken, his rights in law would remain reserved.

² 2024 SCC OnLine Del 3981



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9. This petition is disposed of, in the aforesaid terms.

C. HARI SHANKAR, J.

OM PRAKASH SHUKLA, J.

NOVEMBER 20, 2025/AT