



WEB COPY



W.P.No.34632 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2026

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.34632 of 2025

Ex Sgt Subba Rao Wupadrasta
Service No.729063
S/o.W V Ramana Bhat
R/o.No.12-13-263/1 Flat No.302
Sai Thirumala Residency, Tarnaka
Hyderabad-500 017

Petitioner(s)

Vs

1. Union Of India
Rep by its Secretary
Ministry Of Defence, South Block
New Delhi-110 011.
2. The Chief of the Air Staff
Air Headquarters (Vayu Bhavan)
Rafi Marg, New Delhi-110 016.
3. Directorate of Air Veterans
Ali Headquarters, Subroto Park
New Delhi-110 010
4. The Jt Controller of Defence Accounts
Air Force, Subroto Park
New Delhi-110 010.

Respondent(s)



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Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorarified Mandamus calling for the records in respect of the impugned order passed by the Honble Armed Forces, Tribunal, Regional Bench, Chennai in O.A.No.192 of 2018 dated 28.3.2023 and quash the same and direct the respondents to condone the shortfall in qualifying service of the petitioner up to 12 months and grant him service pension w.e.f 25.3.2004 or from any other date as may be fixed by this Honble court in accordance with law within the time frame as may be provided by this Hon'ble Court.

For Petitioner(s): Mr.M.K.Sikdar

For Respondent(s): Mr. V. Balasubramanian
Senior Panel Counsel

ORDER

(Order of the Court was made by
the Hon'ble Chief Justice)

Challenge to the order passed by the Tribunal is premised mainly on the ground that while dismissing the petition, the Tribunal did not take into consideration the exceptional circumstances which could have weighed in favour of petitioner, as provided under Regulation 102 of the Pension Regulations for the Air Force, 1961. He would submit that the case of petitioner requires a sympathetic



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consideration in view of his family circumstances, financial exigency and health conditions. He placed before this Court a letter dated 25.04.2001 issued by the Deputy Secretary to the Government of India.

2. From the facts floating on the surface, petitioner was held guilty of misconduct of espionage and was dismissed from service. The order of dismissal was affirmed up to Supreme Court.

3. Normal Rule is that dismissal from service results in forfeiture of past services and this principle has been embodied in Regulation 102 that upon dismissal, pension would not be payable. Exceptional circumstances clause has been included only to deal with extraordinary cases of exceptional nature and not to allow indulgence in each and every case. It was for petitioner to make out a case of exceptional nature. No exceptional case has been made out by petitioner in his application before the Tribunal much less before this Court.



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4. The letter dated 25.04.2001 of the Government of India was not placed before the Court earlier. Be that as it may, in the absence of there being any case of exceptional nature, no relief could be claimed by petitioner. The Tribunal has not committed any error of jurisdiction, patent illegality or perversity nor any miscarriage of justice requiring interference by this Court.

5. Petition is dismissed. There shall be no order as to costs.

(MANINDRA MOHAN SHRIVASTAVA, CJ) (G.ARUL MURUGAN,J)
02.01.2026

Index : Yes/No
Neutral Citation : Yes/No

kpl

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