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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision : 13.02.2026

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W.P.(C) 2060/2026, CM APPL. 10049/2026

HONY CAPT MADAN MOHAN YADAV (RETD)Petitioner

Through: Mr. Ajit Kakkar, Adv.

Versus

UNION OF INDIA & ORS.

.....Respondent

Through: Mr Satya Ranjan Swain (CGSC), Mr
Kautilya Birat GP, Mr Ankush
Kapoor, Mr Vishwadeep, Advs
Major Kanika Sharma, Army.**CORAM:****HON'BLE MR. JUSTICE V. KAMESWAR RAO****HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA****MANMEET PRITAM SINGH ARORA, J. (ORAL)****CM APPL. 10049/2026 (for exemption)**

1. Exemption is allowed, subject to all just exceptions.
2. The application is disposed of.

W.P.(C) 2060/2026

3. The present petition has been filed impugning the order dated 03.09.2025 ['impugned order'] passed by the Armed Forces Tribunal, Principal Bench, New Delhi ['Tribunal'] passed in O.A. No. 702/2019 titled as **Hony Capt Madan Mohan Yadav (Retd) v. Union of India & Ors.**



whereby the Tribunal dismissed the application preferred by the petitioner herein seeking grant of pension for the rank of Honorary Captain from the date of grant of the said rank.

4. The facts relevant to the reliefs prayed for in the writ petition are: -

4.1 The petitioner was enrolled in the Indian Army on 30.12.1988 and had a meritorious service record, including representing the Army in Boxing and Wrestling. On 13.12.2016, petitioner was granted a two-year extension of service.

4.2 However, by discharge order dated 22.07.2017, petitioner was directed to be released w.e.f. 31.12.2017. Aggrieved, by the said order dated 22.07.2017, petitioner approached the Tribunal in O.A. No. 18367 of 2017, which vide order dated 18.12.2017 set aside the order dated 22.07.2017 and granted an opportunity to the petitioner to reduce his body weight so that he can attain the medically acceptable weight within six months from the date of the order of Tribunal.

4.3 The petitioner was recommended for the honorary rank of Lieutenant on 26.01.2018, but the same was conferred after a delay on 15.08.2018.

4.4 The petitioner submitted an application on 20.11.2018 for being granted the Honorary Lieutenant rank w.e.f. 26.01.2018 and the rank of Honorary Captain w.e.f. 15.08.2018. The said application was responded to vide respondent's reply dated 27.12.2018.

4.5 The petitioner retired from service on 31.12.2018 after having served for about 30 years.

4.6 The petitioner had applied for grant of the rank of Honorary Captain, which was granted w.e.f. 01.01.2019, on an unpaid basis.

4.7 The petitioner contends that he ought to have been granted the



Honorary Lieutenant rank w.e.f. 26.01.2018 and the Honorary Captain rank w.e.f. 15.08.2018. The petitioner is aggrieved since he is receiving pension on the basis of the salary drawn at the rank of Honorary Lieutenant.

4.8 The petitioner filed O.A. No. 702 of 2019 seeking pension of the rank of Honorary Captain and quashing of the rejection order dated 27.12.2018. The Tribunal dismissed the O.A. vide impugned order dated 03.09.2025.

5. The Tribunal vide impugned order observed that the respondents had acted in accordance with the applicable rules and policy, and that in the facts of the case of denial of monetary benefits for the honorary rank [of Captain] granted after retirement did not warrant interference. The Tribunal examined the applicable policies, including relevant Army instructions and Para 179 of the Defence Service Regulations [‘DSR’]. It observed that honorary ranks granted while in active service carry monetary and pay benefits as they amount to an upgradation during service. However, honorary ranks granted after retirement are conferred purely as a matter of honour and do not carry any financial or pensionary benefits. Upon consideration of the additional affidavit filed by the respondents, and comparative data placed on record, the Tribunal held that since pension is calculated on the basis of the last pay drawn at the time of retirement and admittedly the applicant was holding the rank of Honorary Lieutenant at the time of his retirement, the pension being drawn by him is correct. The Tribunal held that since the rank of Honorary Captain was granted to the petitioner after retirement as per Para 179 DSR, and there is no provision under Para 179 DSR for grant of monetary benefits in such cases, petitioner was not entitled to pay of pension of that rank.

6. The only issue arising for consideration is whether the petitioner was entitled to monetary benefits for the Honorary rank of Captain conferred



upon him post-retirement on 26.01.2019.

7. This Court, while exercising jurisdiction under Article 226 of the Constitution of India, acts in writ of certiorari and not as an appellate authority over the impugned order dated 03.09.2025 of the Tribunal. The scope of interference is confined to correcting jurisdictional errors, patent errors of law apparent on the face of the record, failure to exercise jurisdiction, excess of jurisdiction, or violations of principles of natural justice. The jurisdiction under Article 226 being supervisory and limited in nature, this Court cannot substitute its own view for that of the Tribunal unless the impugned order suffers from the aforesaid infirmities. It is well settled in **Syed Yakoob v. K.S. Radhakrishnan**¹ that the writ court does not re-appreciate evidence or disturb findings of fact. The relevant paragraphs of the judgment reads as under: -

“7. The question about the limits of the jurisdiction of High Courts in issuing a writ of certiorari under Article 226 has been frequently considered by this Court and the true legal position in that behalf is no longer in doubt. A writ of certiorari can be issued for correcting errors of jurisdiction committed by inferior courts or tribunals: these are cases where orders are passed by inferior courts or tribunals without jurisdiction, or is in excess of it, or as a result of failure to exercise jurisdiction. A writ can similarly be issued where in exercise of jurisdiction conferred on it, the Court or Tribunal acts illegally or properly, as for instance, it decides a question without giving an opportunity, be heard to the party affected by the order, or where the procedure adopted in dealing with the dispute is opposed to principles of natural justice. There is, however, no doubt that the jurisdiction to issue a writ of certiorari is a supervisory jurisdiction and the Court exercising it is not entitled to act as an appellate Court. This limitation necessarily means that findings of fact reached by the inferior Court or Tribunal as result of the appreciation of evidence cannot be reopened or questioned in writ proceedings. An error of law which is apparent on the face of the record can be corrected by a writ, but not an error of fact, however grave it may appear to be. In regard to a finding of fact recorded by the Tribunal, a writ of certiorari can be issued if it is

¹ AIR 1963 SC 477



shown that in recording the said finding, the Tribunal had erroneously refused to admit admissible and material evidence, or had erroneously admitted inadmissible evidence which has influenced the impugned finding. Similarly, if a finding of fact is based on no evidence, that would be regarded as an error of law which can be corrected by a writ of certiorari. In dealing with this category of cases, however, we must always bear in mind that a finding of fact recorded by the Tribunal cannot be challenged in proceedings for a writ of certiorari on the ground that the relevant and material evidence adduced before the Tribunal was insufficient or inadequate to sustain the impugned finding. The adequacy or sufficiency of evidence led on a point and the inference of fact to be drawn from the said finding are within the exclusive jurisdiction of the Tribunal, and the said points cannot be agitated before a writ Court. It is within these limits that the jurisdiction conferred on the High Courts under Article 226 to issue a writ of certiorari can be legitimately exercised (vide Hari Vishnu Kamath v Syed Ahmad Ishaque², Nagandra Nath Bora v Commissioner of Hills Division and Appeals Assam³ and Kaushalya Devi v Bachittar Singh⁴).

8. It is, of course, not easy to define or adequately describe what an error of law apparent on the face of the record means. What can be corrected by a writ has to be an error of law; but it must be such an error of law as can be regarded as one which is apparent on the face of the record. Where it is manifest or clear that the conclusion of law recorded by an inferior Court or Tribunal is based on an obvious mis-interpretation of the relevant statutory provision, or sometimes in ignorance of it, or may be, even in disregard of it, or is expressly founded on reasons which are wrong in law, the said conclusion can be corrected by a writ of certiorari. In all these cases, the impugned conclusion should be so plainly inconsistent with the relevant statutory provision that no difficulty is experienced by the High Court in holding that the said error of law is apparent on the face of the record. It may also be that in some cases, the impugned error of law may not be obvious or patent on the face of the record as such and the Court may need an argument to discover the said error; but there can be no doubt that what can be corrected by a writ of certiorari is an error of law and the said error must, on the whole, be of such a character as would satisfy the test that it is an error of law apparent on the face of the record. If a statutory provision is reasonably capable of two constructions and one construction has been adopted by the inferior Court or Tribunal, its conclusion may not necessarily or always be open to correction by a writ of certiorari. In our opinion, it is neither possible nor desirable to attempt

² (1954) 2 SCC 881

³ AIR 1958 SC 398

⁴ AIR 1960 SC 1168



either to define or to describe adequately all cases of errors which can be appropriately described as errors of law apparent on the face of the record. Whether or not an impugned error is an error of law and an error of law which is apparent on the face of the record, must always depend upon the facts and circumstances of each case and upon the nature and scope of the legal provision which is alleged to have been misconstrued or contravened.”

(Emphasis Supplied)

8. The petitioner’s principal contention is that the alleged delay in conferment of the rank of Honorary Captain has resulted in loss of pay, seniority and pensionary benefits. However, as recorded by the Tribunal in the impugned order, the petitioner was duly considered for grant of Honorary Commission strictly in accordance with the applicable policy and within the permissible chances during his last year of service of 2018. The petitioner was first considered for grant of Honorary Commission on the occasion of Republic Day 2018 (Two Chance Category) but was not empanelled due to low merit. He was thereafter reconsidered on the occasion of Independence Day 2018 (Last Chance Category), whereupon, based on his entire service profile and after, according to due weightage as per the criteria, he was granted the rank of Honorary Lieutenant on the active list. The petitioner has challenged the non-grant of Honorary rank in January 2018, however it is an admitted fact that the petitioner was not qualified for appointment in January, 2018 due to his low medical category being overweight and he was upgraded to medical category Shape-I subsequently and therefore was duly considered on the occasion of Independence Day-2018, when he was awarded the rank of Honorary Lieutenant w.e.f. 15.08.2018.

9. The petitioner has not contested the aforesaid finding of the fact with respect to his ineligibility due to low medical category in January 2018, on



the occasion of the Republic Day-2018. Thus, his challenge to non-appointment to the rank of Honorary Lieutenant in January 2018 is without any merit and has been rightly rejected by the Tribunal. Consequently, the petitioner's appointment as Honorary Lieutenant on 15.08.2018 and Honorary Captain on 26.01.2019 has been rightly upheld by the Tribunal.

10. The Tribunal at paragraph nos. 11 and 12 of the impugned order has given due consideration to the plea of the applicant seeking monetary benefits linked with his appointment as an Honorary Captain post-retirement. The Tribunal has held that appointment to an Honorary rank post-retirement under Para 179 of the DSR does not result in any financial benefit for the officer and this title is conferred only as an honour. The Tribunal has observed that there is no provision in the DSR entitling the officer to any financial benefits upon grant of Honorary rank post-retirement and since pension is calculated based on the last salary drawn while in service, the petitioner is correctly receiving pension as per the monetary benefits to which he became entitled as on 31.12.2019. This Court finds no ground to interfere in the said findings of the Tribunal as the same are in conformity with Para 179 of DSR.

11. Having heard the learned counsel for the parties and after perusing the impugned order, this Court is of the opinion that the Tribunal has meticulously examined the merits of the case and has rendered a reasoned finding that the petitioner was duly considered for grant of Honorary Commission within the prescribed chances in the year 2018. The findings returned by the Tribunal are based on evidence and proper appreciation of the governing rules.

12. Keeping in mind the limited scope of interference of this Court while



exercising certiorari jurisdiction under Article 226 of the Constitution of India, this Court does not find any error of law apparent on the face of the record in the impugned order warranting interference.

13. Accordingly, the present writ petition is dismissed.

14. Pending applications, if any, stand disposed of. No order as to costs.

MANMEET PRITAM SINGH ARORA, J

V. KAMESWAR RAO, J

FEBRUARY 13, 2026/AM/hp