



2026:DHC:1631-DB



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

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Date of Decision : 24.02.2026

+ W.P.(C) 2499/2026 CM APPL. 12107/2026 CM APPL. 12108/2026
NS 22921A MAJOR DEVANJANA GHOSHALPetitioner

Through: Mr. SS Pandey, Adv.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr. Neeraj, SPC, Mr. Rudra Paliwal
Govt. Pleader, Mr. Soumyadip
Chakraborty, Lt. Col. Mahua
Upadhyaya, Col. Kanika Sharma,
Col. Ashish Chadha
Major Kanika Sharma, Army

CORAM:**HON'BLE MR. JUSTICE V. KAMESWAR RAO****HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA****V. KAMESWAR RAO, J. (ORAL)****CM APPL. 12108/2026 (for exemption)**

1. Allowed, subject to just exceptions.
2. The application is disposed of.

W.P.(C) 2499/2026

3. This petition lays a challenge to the order dated 21.01.2026 passed by the Armed Forces Tribunal, Principal Bench at New Delhi ('the Tribunal'), whereby the Tribunal decided the petitioner's application for interim relief. The interim relief sought in the Original Application 3103/2025 ('O.A.')



was primarily for a stay of the operation and effect of the petitioner's release order dated 14.07.2025, pending final adjudication of the O.A.

4. The submission of Mr. SS Pandey, learned counsel for the petitioner is that the Tribunal has dismissed the prayer for interim relief of the petitioner on an erroneous premise that the petitioner had not claimed her permanent commission in the force.

5. He has drawn our attention to the prayer clause in the O.A., wherein the petitioner has specifically sought the grant of permanent commission.

6. He further states that the Tribunal has also not considered the effect of the order dated 19.05.2025, passed by the Hon'ble Supreme Court in Civil Appeal Nos. 9747-9757/2024, **Lt. Col. Pooja Pal & Ors. v. Union of India & Ors.** The relevant paragraph reads as under:-

"2. Heard learned counsel for the non-applicant-petitioners as well as learned ASG for Union of India. The order dated 09.05.2025 is clarified to the effect that:

(1) The interim protection shall apply to all those officers whose matters are pending in the Supreme Court.

(2) Such protection shall also cover those officers whose cases are sub judice before the Armed Forces Tribunal or the High Courts."

7. He states that the Tribunal itself has extended the benefit of the aforesaid order to Army Medical Corps officers in O.A. 966/2025, **Lt. Col Pankaj Vats v. Union of India & Ors.** dated 19.09.2025. He states that the substantive issue which has been raised by the petitioner is that the rejection of the case of the petitioner for permanent commission was primarily on the ground that the petitioner has been assessed with the maximum marks of 50 in the written examination and also in the interview. He states that the



respondents could not have prescribed the maximum marks of 50 in the interview process, as the same is apparently arbitrary.

8. On the other hand, learned counsel for the respondents contests the submission made by Mr. SS Pandey, inasmuch as the reliance placed by Mr. Pandey on the order passed by the Hon'ble Supreme Court in ***Lt. Col. Pooja Pal & Ors. v. Union of India & Ors.*** is primarily with regard to the grant of permanent commission to women which is only sought to be given to men.

9. Suffice to state that learned counsel for the respondents disputes the applicability of the order passed by the Supreme Court in ***Lt. Col. Pooja Pal & Ors. v. Union of India & Ors.***

10. In any case, we are of the view that, on a perusal of the impugned order passed by the Tribunal, the Tribunal has proceeded to decide the prayer for interim relief of the petitioner on the premise that the petitioner has not sought her permanent commission as a Military Nursing Services (MNS) Officer.

11. On a perusal of the prayer clause made in the O.A., it is also clear that the substantive prayer made by the petitioner is for her permanency as an MNS Officer.

12. If that be so, keeping in view the submissions made by the counsel for the parties, we deem it appropriate to set aside the impugned order dated 21.01.2026 of the Tribunal and remand the matter to the Tribunal for a fresh consideration of the prayer for interim relief sought by the petitioner in O.A. 3103/2025.

13. Since, as we have been informed, the date of discharge of the petitioner is 28.02.2026, we request the Tribunal to decide the application of



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the petitioner on interim relief on or before the said date.

14. For that purpose, we deem list O.A. 3103/2025 before the Tribunal on 26.02.2026 or on a date when the Bench which passed the impugned order shall assemble, immediately thereafter. All the pleas and contentions of the parties are left open to be canvassed before the Tribunal.

15. The petition, along with pending applications (if any) are disposed of.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

FEBRUARY 24, 2026/msh