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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 3322/2026 and CM APPL. 16070/2026

MAJ GOLDI MISHRA RETD

.....Petitioner

Through: Ms. Anju Thomas, Mr.
Simranjeet Singh Rekhi, Ms.
Astha Sharma and Mr. Sanjeev
Kaushik, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Himanshu Pathak, SPC
along with Mr Mohit Gupta,
Advs.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

05.05.2026

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1. Admittedly, an identical *W.P.(C) 3433/2026* captioned *Maj. Devanjana Ghoshal (Retd.) vs. Union of India & Ors.* was filed against a similar order passed by the learned Armed Forces Tribunal, Principal Bench, New Delhi, while declining interim relief, which has been dismissed by the Predecessor Bench on 17.03.2026 with the following order:

"CM APPL. 16498/2026(Exemption)

1. Exemption is allowed, subject to all just exceptions.

2. The application stands disposed of.

W.P.(C) 3433/2026 & CM APPL. 16497/2026

3. This petition lays a challenge to the order passed by the Armed Forces Tribunal (AFT) dated 02.03.2026, whereby the Tribunal has decided the prayer for interim relief of the petitioner for continuance in service during the pendency of the OA before Tribunal, seeking Permanent Commission.

4. The Tribunal while deciding the prayer for interim relief has in



paragraphs 6 and 7 has stated as under:

“6. In this case also, apart from the fact that the applicant is a Short Service Commissioned officer and has not cleared the promotion exercise for the purpose of grant of Permanent Commission, the issue of Permanent Commission is to be decided at the time of final hearing. Today the core issue is as to whether the applicant can be by way of an interim relief directed to participate in the course. Admittedly the applicant is a Short Service Commissioned officer and the course in question is prescribed only for a Permanent Commission Officer. That being so, as the applicant is also being released from service on 28.02.2026 and the contract of service comes to an end, as an interim measure, once she has not attained the status of a Permanent Commission, we cannot grant interim relief as prayed for, treating her to be Permanent Commissioned Officer and permit her to participate in the course, that also after her discharge from service. The applicant is claiming Permanent Commission as an interim measure primarily on the basis of the law laid down in the case of Babita Punia (Supra) and Annie Nagaraj, and ors. (Supra) wherein the issue was with regard to gender bias in the matter of considering SSC male officers for grant of Permanent Commission and discrimination it in the matter of implementing the same policy to the women officers. As MNS is an all women cadre the said issue would not apply in the present case where the applicant is competing with other fellow women officers in the MNS cadre. Comparison of the applicant with Permanent Commissioned Officers in the MNS cadre prima facie is unsustainable for the simple reason that based on the merit at the time of the appointment/recruitment the applicant was appointed as a Short Service Commissioned Officer and not as Permanent Commissioned Officer. The applicant and other SSC officers fall in a different class in the MNS, the applicant has to clear the departmental selection board proceedings for which two chances are given to the applicant. It is not the case of the applicant that she has cleared both the chances and attained the status of Permanent commissioned officer on the contrary the applicant still holds a SSC status, she was recruited as a SSCMNS officer and continues to hold the same status till attaining the status of Permanent Commission Officer in accordance with the policy. 7. That being so, in view of the aforesaid, we see no reason to grant any interim relief in the matter. However, discharge of the applicant shall be provisional and subjected to final decision of OA



3103/2025. In case we find any illegality, irregularity in the matter of considering the case of the applicant for grant of Permanent Commission, appropriate relief can be granted to the applicant retrospectively with all consequential benefits. In view of the aforesaid, we dispose of the prayer for interim relief.”

5. We have been informed by the learned counsel for respondents that the petitioner has been released from service on 28.02.2026.

6. This is disputed by Mr. S. S. Pandey, learned counsel for the petitioner by stating that the petitioner is on leave.

7. The submission of Mr. Pandey is contested by the learned counsel for respondents.

8. Without going into the said issue, noting the reasons given by the Tribunal, we are of the view that no interference is called for to the impugned order.

9. The petition is dismissed. The pending applications are also disposed of as having become infructuous.”

2. Upon a query posed by this Court, learned counsel representing the Petitioner has failed to draw any distinction between the case of the Petitioner and that of ***Maj. Devanjana Ghoshal (Retd.)*** (*Supra*). It is evident that in the present Petition as well, the Petitioner has been released from service on 28.02.2026.

3. For parity of reason, the present Writ Petition, along with pending application, is also dismissed.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

MAY 05, 2026
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