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

+ **W.P.(C) 3666/2026**

MAJ GEN H DHARMARAJAN, PVSM AVSM, SM, VSM
(RETD)Petitioner

Through: Mr. Dhruv Dwivedi, Adv.

versus

UNION OF INDIA AND ORS.Respondents

Through: Ms. Nidhi Raman, CGSC with
Mr. Arnav Mittal, Adv. (GP),
Mr. Akash Mishra, Adv.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

% **23.04.2026**

1. As per the provisions of the Armed Forces Tribunal Act, 2007 (hereafter '**AFT Act**'), Armed Forces Tribunals ('**AFT**') have been constituted. Section 14 of the AFT Act provides that on or after the appointed day, all the jurisdiction, powers and authority, exercisable by all the Courts except Supreme Court or High Court exercising jurisdiction under Article 226 and 227 of the Constitution of India in relation to all service matters vest with AFT.
2. The Petitioner has filed the present Writ Petition assailing the correctness of order passed on 26.11.2025 while refusing to empanel the Petitioner for the post of Lieutenant General.
3. On a Court question, as to why the Petitioner has not filed petition before AFT, learned counsel representing the petitioner submit that on 01.07.2025, the previous writ petition being W.P.(C) 7381/2024 filed by the Petitioner, was allowed with the following



observations:

“73. Keeping into account the peculiar facts and circumstances of the present case, as well as the extant Policies and Regulations, we set aside the Impugned Order dated 17.01.2024. Further, while setting aside the Orders dated 08.03.2021 and 15.10.2021 as well as the SSB Proceedings vide Final Review case held in December, 2021, we direct the Respondents to reconsider the Petitioners case for notional promotion as Lieutenant General, with respect to the SSB held in June, 2020 (Fresh), February, 2021 (First Review) and December, 2021 (Final Review) by holding a Review Selection Board. In case the Petitioner, who has now retired, is found fit to be promoted to the rank of Lieutenant General, the Respondents are directed to grant him notional promotion and rank, and the consequential benefits that is, refixation of his pay for the purpose of pension on the basis of notional seniority albeit without any arrears of wages. This exercise must be completed within the period of 12 weeks of this judgment.

74. We make it clear that this order will not entitle the Petitioner to seek reinstatement in service or actual pay post his retirement. The judgment entitles him only to the rank and consequential refixation of his pension.”

4. He submits that in the previous round, the Petitioner had filed a petition in AFT which was disposed of on 17.01.2024, hence, he is not required to now again file petition before AFT.

5. This Court has considered the submissions made by learned counsel representing the Parties.

6. A new and fresh order has been passed by the authorities on 26.11.2025. At the first instance, the Petitioner is required to assail its correctness before the Tribunal as per Section 14 read with Section 3(o) of the AFT Act.

7. At this stage, learned counsel representing the Petitioner submits that the order passed on 26.11.2025 has not been complied with in letter and spirits.

8. If that be so, the remedy for the Petitioner is to file a contempt petition.

9. Hence, without going into the merits of the case, the writ



petition is disposed of while relegating the Petitioner to alternate remedy.

ANIL KSHETARPAL, J

AMIT MAHAJAN, J

APRIL 23, 2026

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