



2026:DHC:39-DB



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision : 05.01.2026

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W.P.(C) 19836/2025 & CM APPL. 82793/2025

NO 14682063A NK AJAY KUMAR

.....Petitioner

Through: Mr. U.S. Maurya and Mr. S.S.
Maurya, Advs.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Major Anish Muralidhar and Major
Kanika Sharma**CORAM:****HON'BLE MR. JUSTICE V. KAMESWAR RAO****HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA****V. KAMESWAR RAO, J. (ORAL)**

1. This petition lays a challenge to the order dated 18.12.2025 (impugned order) passed in MA No.5469/2025 in Original Application (OA) No.3685/2025 by the Armed Force Tribunal, Principal Bench, New Delhi (AFT) rejecting the prayer of the petitioner for interim relief challenging his pre mature discharge from the service with effect from 31.12.2025 on account of hypertension and obesity.

2. The AFT while dismissing the MA, seeking the prayer for interim relief has observed that the discharge of the petitioner shall be subject to the final outcome of the OA.

3. The submission of Mr U S Maurya, learned counsel appearing for the petitioner is that the only ground on which the petitioner is sought to be discharged is the ground of obesity. According to him, given the regulations

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framed by the respondents, the petitioner cannot be considered as obese and hence the petitioner is entitled to the interim relief and the discharge be stayed.

4. Suffice to state, the issue as to whether the respondents were justified in issuing the impugned communication dated 29.08.2025 discharging the petitioner from service with effect from 31.12.2025 is required to be considered/decided by the AFT in the OA filed by the petitioner. The justification given by the AFT while rejecting the interim prayer can be seen from paragraphs 3 to 7 of the impugned order, which we reproduce as under:-

“3. It is seen that the medical records and the documents available indicate that the applicant is in the permanent low medical category due to his ailment. There is no shelter appointment available and, therefore, after completion of his contract period, he is being discharged. Applicant is seeking stay on his discharge primarily, on the ground that merely because he is obese and is being discharged on account of obesity and primary hypertension, he prays for stay of the interim order and tries to indicate that he is not overweight, he is in range of permissible weight as per medical requirement applicable in the matter.

4. Respondents have not filed any counter affidavit and the only consideration to be made by this Tribunal is with regard to relief claimed in MA 5469/2025, an application under Rule 25 for grant of injunction.

5. For the purpose of an injunction in the form of interim relief, a prima facie, balance of convenience and irreparable loss, all should be present together. In this case, the applicant is a man in uniform, enrolled in the Indian Army and he is found to be suffering from primary hypertension and obesity and the report of the medical board proceedings available in annexure A~1 clearly indicates that he is in the low medical category and suffering from these ailments, the balance of convenience is not in favour of the applicant, on the contrary, it is in favour of the respondents in the matter of keeping in



service a man suffering from such ailments and who is found to be unfit for continuing in service in view of the medical opinion and the policies laid down by the Directorate General of Medical Services Army.

6. Even if a prima facie case is in favour of the applicant, 3rd ingredient necessary for grant of injunction, i.e., irreparable loss is not in favour of the applicant. Even if interim relief is not granted and ultimately discharge of the applicant is found to be unsustainable in law, he can always be compensated by payment of arrears and salary and monetary benefits. That being so, the principles governing the grant of injunction are not in favour of the applicant.

7. Accordingly, in our considered view, in the facts and circumstances of the case, no case is made out for grant of interim relief. The prayer for interim relief stands rejected. However, the discharge of the applicant shall be subject to final decision of this OA.”

5. We completely agree with the conclusion drawn by the AFT in rejecting the prayer for interim relief. Additionally, we are of the view that grant of such relief shall amount to allowing the OA itself. The intent of the AFT in rejecting the prayer for interim relief is to balance the equities between the parties and it is for that purpose, the AFT has observed that the discharge of the petitioner shall be subject to final decision in the OA itself.

6. We do not see any merit in this petition, the same along with the pending application is dismissed.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

JANUARY 05, 2026

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