

Jeet Lal vs Union Of India & Ors. on 27 March, 2025

Author: C.Hari Shankar

Bench: C. Hari Shankar

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IN THE HIGH COURT OF DELHI AT NEW DELHI
W.P.(C) 3725/2025, CM APPL. 17356/2025 & CM APPL.
17357/2025

JEET LAL

.....Petitione
Through: Mr. U.S. Maurya, Adv.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr. Premtosh K. Mishra, CGSC
with Ms. Mamta Tiwari, GP, Mr. Manish
Vashisht, Ms. Sanya Kalsi, Mr. Prakhar
Singh Sengar, Advs. for UOI.
Major Anish Muralidhar, Army

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE AJAY DIGPAUL

JUDGMENT (ORAL)

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27.03.2025

C.HARI SHANKAR, J.

1. This writ petition is directed against order dated 27 February 2025 passed by the Armed Forces Tribunal¹ in OA 45/2025². By the impugned order, the AFT has rejected the petitioner's prayer for stay of his discharge from the services of the Defence Security Corps³, consequent on discharge order dated 13 December 2024. As per the said discharge order, the petitioner would be liable to be discharged 1 "the AFT", hereinafter 2 Sep/DSC Jeet Lal v UOI 3 "DSC", hereinafter from the DSC, as a Low Medical Category (Personnel)⁴ on 31 March 2025.

2. We have heard Mr. Maurya, learned Counsel for the petitioner, as well as Mr. Mishra, learned Counsel and Major Muralidhar, who appeared for the respondents.

3. Learned Counsel for the parties are ad idem that ROI 06/2018 applies in the case of premature discharge of personnel of the DSC on LMC(P). According to the procedure envisaged by the said ROI 06/2018, the approval of the Brigadier DSC, through the OIC records, is required to be obtained

before the order of discharge is passed.

4. We had noted this fact in our order dated 26 March 2025 and called upon Mr. Mishra, learned Counsel for the respondents, to obtain instructions.

5. Mr. Mishra has today handed over, across the Bar, a compilation of eleven documents, which is taken on record. A copy thereof has also been handed over to Mr. Maurya.

6. Mr. Mishra's contention is that the documents from pages 22 to 26 of the said compilation manifest according of approval by the Brigadier DSC for discharge of the petitioner as well as other personnel, on LMC (P) basis.

4 "LMC(P)", hereinafter

7. We have perused the said documents. Though the document at page 22 is stated to be "Sheet No. One of Four", the contention of Mr. Mishra, as instructed by Major Murlidhar, is that the 5 th page, at page 26 is also a continuation of the same file notings.

8. It is true that the 5th page, at page 26, contains an approval by the Brigadier DSC. However, the approval has been accorded to note 5, preceding the approval, which reads thus:

"DEPUTY DIRECTORATE GENERAL DSC GENERAL STAFF BRANCH DSC-1
CA-1/1612/LMC/DO/2024 (57) SUBJECT: AMENDMENTS TO THE TERMS AND
CONDITIONS OF SERVICE FOR DISCH OF DSC PERS

1. Pl refer Note Ante.

2. The LMC (P) cases for ADS as given at Para 1 (a) to (1) have been scrutinized and found fit for discharge as per policy of IHQ of MoD (Army), AGe Branch/MP-3 letter No B/101/85/DSC/MP-3 dt 03 May 2018. Consequently, discharge of the a/m pers is recommended to be approved by Brig DSC under the provision of AR 13(3) Item III (a) (i). (for OR).

3. It is observed that most LMC cases for discharge are inordinately delayed. Hence advisory cum notice is 'R' to be issued to concerned units to avoid delay in processing LMC cases.

4. Put up for perusal & approval of Brig DSC."

9. Strictly read, therefore, the approval accorded by Brigadier DSC would be only for LMC (P) cases for ADS.

10. The contention of Mr. Mishra is that "ADS" refers to Alcoholic Dependency Syndrome. This position is not disputed. Mr. Mishra's contention is, however, that the reference to "for ADS" in Note

5 is a typographical error, as is manifest from the fact that there is a reference to para 1 (a) to (l) and the list of personnel at pages 22 to 23 from (a) to (l) include the petitioner at serial number (f).

11. Be that as it may, approval has been accorded in terms of Note 5, which refers to "LMC(P) cases for ADS". So long as this is not corrected in a manner known to law, the petitioner may have a right to take the benefit thereof. We make it clear, however, that this is only a tentative view.

12. While we are not convinced that the impugned order passed by the AFT calls for interference on any other aspect, this aspect may have to be considered by the AFT.

13. The AFT would, therefore, consider, prima facie, whether there is in fact a breach of ROI 06/2018 and if there is, whether the breach is fatal to the decision to prematurely discharge on LMC(P) basis.

14. Accordingly, we set aside the impugned order passed by the AFT and remand the prayer of the petitioner for interim relief for reconsideration to the AFT, for which purpose the petitioner and the respondents would appear before the AFT on 2 April 2025.

15. We make it clear that the only contention of the petitioner which we feel requires examination by the AFT, so far as the petitioner's entitlement to interim relief is concerned, is the above aspect of whether there has been a breach of ROI 06/2018 and if there has, the consequence thereof.

16. Accordingly, we dispose of this writ petition in the following terms:

(i) The impugned order dated 27 February 2025 is quashed and set aside.

(ii) The petitioner's prayer for interim relief stands remanded to the AFT for de novo consideration to be taken up by the AFT on 2 April 2025 on which date both sides would present themselves before the AFT.

(iii) Neither side would seek any adjournment.

(iv) The AFT would, on 2 April 2025, reconsider the petitioner's entitlement to interim relief, restricting the consideration to the petitioner's prayer that there has been a breach of ROI 06/2018, which entitles him to interim relief. We do not express any final opinion on this submission, which would be duly examined and addressed by the AFT.

17. The discharge of the petitioner shall, therefore, for the present, stand extended till 2 April 2025 and shall be subject to further orders to be passed by the AFT on that date.

18. In view of the fact that the respondent's contention is that the reference to "for ADS" in the file noting is only a typographical error, this order would not preclude the respondent from taking corrective measures in that regard.

19. Let a copy of this order be given dasti to learned Counsel for the parties under the signature of the Court Master.

C. HARI SHANKAR, J.

AJAY DIGPAUL, J.

MARCH 27, 2025 AS/dsn [Click here to check corrigendum, if any](#)