

COURT No.2  
ARMED FORCES TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

8.

OA 2081/2025

AE (L) Sqn Ldr Abhishek ..... Applicant  
VERSUS  
Union of India and Ors. .... Respondents

For Applicant : Mr. Durgesh Kumar Sharma, Advocate  
For Respondents : Ms. Sunanda Shukla, proxy for  
Mr. Jagdish Chandra, Advocate

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)  
HON'BLE LT GEN CP MOHANTY, MEMBER (A)

ORDER  
15.07.2025

The applicant vide the present OA makes the following prayers:-

*“(a) Direct the Respondents to expeditiously dispose of the Applicant's representation dated 25 March 2025 within a period of 04 weeks as accordance with law, pending before Air HQ, concerning his promotion to the substantive rank of Wing Commander and also his disabilities attributable to and/or aggravated by military service, particularly during his posting to Leh (High Altitude Area), in terms of the Entitlement Rules & in the interest of justice.*  
*(b) Any other relief which the Hon'ble Tribunal may deem fit and proper in the fact and circumstances of the case.”*

2. Apparently, in terms of Section-21(1) of the AFT Act, 2007

thereof, it having been provided to the effect:-

*“21. Application not to be admitted unless other remedies exhausted.—*

*(1) The Tribunal shall not ordinarily admit an application unless it is satisfied that the applicant had availed of the remedies available to him under the Army Act, 1950 (46 of 1950) or the Navy Act, 1957 (62 of 1957) or the Air Force Act, 1950 (45 of*

*1950), as the case may be, and respective rules and regulations made thereunder.”,*

and in terms of Section-21(2)(b) thereof, it had been provided to the effect:-

*“21. Application not to be admitted unless other remedies exhausted.—*

*(1) xxxxx*

*(2) For the purposes of sub-section (1), a person shall be deemed to have availed of all the remedies available to him under the Army Act, 1950 (46 of 1950) or the Navy Act, 1957 (62 of 1957) or the Air Force Act, 1950 (45 of 1950), and respective rules and regulations—*

*(a) xxxx*

*(b) where no final order has been made by the Central Government or other authority or officer or other person competent to pass such order with regard to the petition preferred or representation made by such person, if a period of six months from the date on which such petition was preferred or representation was made has expired.”*

3. The prayers made by the applicant cannot presently be considered, in as much as the Statutory representation made by the applicant that has been made in terms of the Air Force Regulations, is dated 25.03.2025 and a period of six months therefrom has not yet elapsed to take up the matter in terms of Section-21(2)(a) or Section-21(2)(b) of the AFT Act, 2007. A submission is however made by the applicant that in terms of Para-622(n) of Regulations for the Air Force, it has been provided to the effect:-

*“622. Remedy for Aggrieved Officers*

*(a)*

*(b)*

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*(n)Period of permissible Delays. It is of utmost importance that applications for redress of grievance by officers are dealt with expeditiously so as to reach the authority competent to redress the grievance not later than 45 days from its date of submission by the aggrieved person. No intermediate authority will hold up the application for more than 10 days. in the event of such a delay a report indicating the reasons for the delay will be made to the next higher authority.”~*

the respondents ought to have redressed the prayers made by the applicant vide his representation dated 25.03.2025 or acted thereupon in a period of not exceeding 45 days from the date of submission of the said representation. As observed hereinabove, the present *lis* cannot be taken up for consideration in terms of Section-21 of the AFT Act, 2007. The OA 2081/2025 is thus dismissed as withdrawn as prayed.

4. Presently, in the interest of justice, at this stage we only request the respondents to dispose of the representation dated 25.03.2025 of the applicant (copy of which is placed on the record as Annexure A-1 to the present OA) expeditiously.

(JUSTICE ANU MALHOTRA)  
MEMBER (J)

(LT GEN CP MOHANTY)  
MEMBER (A)