

COURT NO. 1  
ARMED FORCES TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

4.

OA 2636/2025

Nk Kaptan Singh ..... Applicant  
Versus  
Union of India & Ors. .... Respondents

For Applicant : Mr. Prashant Negi, Advocate  
For Respondents : Ms. Reetesh Agarwal, Advocate  
Maj. Satvik Grover, Deptt. Rep.

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON  
HON'BLE LT. GEN. C. P. MOHANTY, MEMBER (A)

O R D E R  
28.08.2025

Issue notice to the respondents. Ms. Reetesh Agarwal, learned counsel accepts notice. Six weeks' time is granted to the respondents to file reply. Rejoinder, if any, be filed within two weeks thereafter.

2. Learned counsel for the applicant prays for stay of discharge of the applicant. His contention is that as per the policy, a person suffering from Alcohol Syndrome has to be reviewed after two months. Before review, he is being discharged and not permitted to continue in service. His condition is improving. The applicant is re-employed in the DSC after regular service and after completing his period of engagement for the purpose of extension, he was subjected to medical board and the medical board indicated that he is a case of Low Medical Category S3 (T-24) Mental and Behavior Disorder due to use of alcohol he has

been classified as a case of Alcohol Dependency Syndrome. The medical documents available on record (Annexure A-3 AFMSF-10) indicate that when the applicant was examined in March 2025 he is shown to be an undisciplined person, heavy drinker frequently and regularly drinking, misbehaving and a case of Alcohol Dependency Syndrome. Learned counsel for the applicant states that now the applicant has improved. His Commandant has also indicated that he has improved and therefore, he should be granted extension and there should be stay on his discharge.

3. Having heard learned counsel for the parties, we are of the considered view that for the purpose of granting interim relief *prima facie* case, balance of convenience and irreparable loss should be available in favour of the applicant. The law is that all the three should be present together and absence of one may render non grant of injunction or stay. Even if as per the policy and the contention of the applicant that his medical condition is improving, a *prima facie* case is made out however, balance of convenience and irreparable loss are not in favour of the applicant. Applicant is a soldier in DSC and the records indicate that he has mental and behavioral dis-order and he is a serious case of Alcohol Dependence Syndrome. That being so, permitting such a person to continue in the service of the armed force is not in the interest of security and various other concerns and

therefore, balance of convenience is not in favour of the applicant.

4. As far as irreparable loss is concerned, even if no stay is granted to the applicant and ultimately after final hearing, after going through the record and analyzing various aspects of the matter, it is found that the applicant is entitled to grant of extension, he can be compensated by payment of arrears and salary and other monetary dues and therefore, there is no irreparable loss. Two of the ingredients necessary for grant of injunction being not available, we find no ground to grant injunction. The application for interim relief is dismissed.

5. List the OA on 06.11.2025.

**[JUSTICE RAJENDRA MENON]  
CHAIRPERSON**

**[LT. GEN. C. P. MOHANTY]  
MEMBER (A)**

/vb/ak/

(OA No.2636/2025)