

7

**IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT  
NEW DELHI**

TA No.551/2009

[WP (Civil) No.10087/09 of Delhi High Court]

Major Shalu Singh

.....Petitioner

Versus

Union of India &amp; Others

.....Respondents

For petitioner: Sh.Rajiv Manglik, Advocate

For respondents: Ms.Barkha Babbar, Advocate

**CORAM:**

**HON'BLE MR. JUSTICE A.K. MATHUR, CHAIRPERSON.  
HON'BLE LT. GEN. M.L. NAIDU, MEMBER.**

**ORDER  
17.12.2009**

1. The present petition was transferred from Hon'ble Delhi High Court to this Tribunal on its constitution.
2. Petitioner by this writ petition has prayed to quash and set aside the impugned orders dated 13.03.2009 passed by

8

respondents and further prayed that her application for resignation may be accepted and she be released from services.

3. Brief facts which are necessary for disposal of present petition are that petitioner was selected to undergo graduation in Bachelor of Medicine (MBBS) in Armed Forces Medical College at Pune and on successful completion of studies she was granted permanent commission in the Army. The petitioner executed a bond dated 03.08.1998 to the effect and one of the conditions of the bond was as under:-

"4. If a medical student after grant of permanent commission applied for release from service within 7 years of grant of the said commission for reasons whatsoever and provided his release is sanctioned by the Government as per rules in force, he shall be relieved only after he has refunded a sum of Rupees Three Lakhs to the Government together with interest."

As per bond, a person can seek premature release before 7 years on payment of a sum of Rs.3 Lacs with the permission of competent authority. Petitioner was promoted to the rank of Major. Petitioner because of family circumstances applied for resignation from the commission vide application dated 07.11.2005 which was rejected by the Authorities vide order dated



9

07.08.2006. Petitioner again applied for resignation on 02.08.2007 on the ground that since her husband is due to complete his tenure in February 2009 and after his retirement he plans to settle abroad in UK where his father is settled and her husband alongwith her parents in law, wants her to leave Army and settle with them. Therefore, she sought permission to release from Army by accepting her resignation. Earlier she was selected for a foreign posting in UN Mission in November, 2007 but she did not join. Since, her request of resignation was refused by the respondents, she filed the present writ petition before the Hon'ble Delhi High Court which has been transferred to this Bench after formation of Armed Forces Tribunal.

4. Respondents have filed a written and contested the matter and they have pointed out that once the officers are commissioned they cannot go out and if such trend is permitted then most of the people will desert the Army. Therefore, it is submitted that Authorities have rightly rejected the request of the petitioner. It is also pointed out that even after completion of 7 years it is not a pleasure of the petitioner to resign and to go and

in that case also permission has to be sought and same has to be acceded by the authorities.

5. We have heard learned counsels for the parties and perused the record.

6. We fully share the view of learned counsel for respondents that if this easy course is adopted and people are permitted to desert the Army then it will make a good excuse for many officers to leave the Indian Army. But in the present case because of the family circumstances both husband and petitioner are going to settle abroad in UK along with her parents-in-law. Therefore, petitioner cannot be left alone here and her husband is going to settle abroad will unnecessarily cause breach of peace in their domestic life.

7. However, learned counsel for petitioner has submitted that petitioner is willing to deposit a sum of Rs.3 Lac straightaway with interest and all other dues which are due to petitioner. She



11

will pay the same and file an affidavit before this Tribunal that the moment communication of dues against her is received, she will make the same good within 15 days from the date of receipt of communication of dues from the Authorities. Therefore, looking to the facts and circumstances, we direct that in case petitioner deposits a sum of Rs. 3 Lacs with interest and files an affidavit before this Tribunal that whatever amount is due from the Army that will be paid to the Army within 15 days from the date of receipt of communication, the petitioner be released from Army and her resignation may be accepted. Petition is accordingly allowed. No order as to cost.

**A.K. MATHUR**  
(Chairperson)

**M.L. NAIDU**  
(Member)

**New Delhi**  
**December 17, 2009**