

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

12.

OA 2850/2025 with MA 4049/2025

Wg Cdr Siddarth Pradhan		Applicant
Versus		
Union of India & Ors.		Respondents

For Applicant	:	Mr. Ankur Chhibber and Mr. Arjun Panwar, Advocates
For Respondents	:	Mr. Karan Singh Bhati, Sr. CGSC

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

ORDER
19.09.2025

Challenging a show cause notice dated 23.09.2024 (Annexure A-1) issued to the applicant, a Flying Pilot, the present OA has been filed. A Court of Inquiry was instituted against the applicant and based on the findings recorded in the Court of Inquiry, finding a *prima facie* case made out to take administrative action in the matter and looking to the nature of allegations and the confidentiality of the issue involved, administrative action is being taken for terminating the services of the applicant by issuing the show cause notice. Instead of replying and contesting the show cause notice, the applicant has challenged the show cause notice itself on the ground that the court of inquiry was not conducted in accordance to the

requirement of the Air Force Rules of 1969. There are various statutory violation in the conduct of the Court of Inquiry. Rule 156 and 154 of the Air Force Rules were not complied with in conduct of the Court of Inquiry and, therefore, the applicant wants quashing of the show cause notice at this stage itself. Reliance is placed on a judgment passed by the Hon'ble Supreme Court in the matter of *Union of India and Anr. v. Kunisetty Satyanarayana* (2016) 12 SCC 28, to say that in a service matter, in the departmental inquiry, if a charge sheet issued and the show cause notice are based on violation of statutory provisions, interference can be made.

2. We find from the material available on record that in the court of inquiry, the terms of reference was to investigate the allegations against the applicant made by Ms. X aged about 24 years D/o Mr. ABC resident of New Delhi examined in the Court of Inquiry as witness No.2, initially in her verbal complaint dated 14.11.2023 and a written complaint dated 09.03.2024, provided in the proceedings of the Court of Inquiry as confidential. The court in the inquiry conducted found the applicant blameworthy of a conduct maintaining adulterous relationship with the complainant while being in valid marriage with Mrs. Meghna Pradhan which violates para 1 of the Air Head Quarter Policy Discipline. The applicant is found to have remained absent from place of duty

without leave on various dates as are indicated in the show cause notice. The applicant is also found to have taken witness No.2 to the Tarmac area of the Air Field without making an authorized visitor's pass, thereby violating the provisions of the Air HQ Policy letter and communication dated 11.11.2022. He was also found to wrongfully instructing subordinate officers to permit unauthorized persons, particularly the complainant to drive service vehicle in the Tarmac Area. He is also found to have violated the Indian Official Secrets Act, 1923 by discussing operational matters like moves of the Squadron on detachments, professional competencies and postings of Squadron officers with unauthorized person (witness No.2) in contravention to Para 5(a) and 5(d) of the Indian Official Secrets Act.

3. He is found to have carried smart phone into technical area where it is prohibited. Various other allegations in the matter of violation of security norms permitting unauthorized photography in prohibited area including Air Force Station Ambala, photography of Air Craft building and material not allowed by law and statutory rules and various other activities including obtaining monetary benefits have been indicated in the show cause notice. In all there are more ten allegations in the show cause notice which are found to

have been established in the findings recorded by the court of inquiry and looking to the seriousness and confidentiality involved in the matter, administrative action is proposed to be taken by the show cause notice.

4. That being so, the issue is as to whether, at this stage, when only a show cause notice is issued, interference into the matter can be made by this Tribunal and orders passed. We find from the records that in the court of inquiry conducted more than fifteen witness have been examined. The applicant participated in the court of inquiry. He has also cross examined most of the witnesses. The court of inquiry has given a finding, finding *prima facie* material to proceed against the applicant and based on the same, the show cause notice has been issued to the applicant. That being so, at this stage, merely on the grounds that there are some procedural breaches in the conduct of the court of inquiry, looking to the nature of the allegations leveled against the applicant and the findings recorded in the court of inquiry, we are not inclined to interfere into the matter.

5. Even in the judgment in the case of ***Kunisetty Satyanarayana***(supra) relied upon by the applicant, the principles of law laid down therein do not indicate that interference into the matter impugning a show cause notice or a charge sheet is called

for. It has been held by the Hon'ble Supreme Court in the aforesaid case that in a writ petition filed under Article 226 of the Constitution, at the stage of issuance of show cause notice or charge sheet ordinarily a petition is not maintainable. Only in very rare and exceptional cases can a charge sheet or a show cause notice be quashed when it is found to be only wholly without jurisdiction or otherwise wholly illegal.

6. The scope of judicial review has been discussed in the said judgment and in para 13 of the judgment it has been held that ordinarily at the stage of issuance of charge sheet or show cause notice judicial review by a writ court is not called for. Mere issuance of a show cause notice or charge sheet does not infringe the right of any one, it is only when a final order imposing some punishment or otherwise adversely effecting a parties rights that a party has any grievance.

7. Taking note of the said judgment and the principles of law governing indulgence, at this stage, when a show cause notice is issued, we are of the considered view that the facts and circumstances of the present case particularly the nature of allegations leveled against the applicant and the material available on record, we are not inclined to interfere into the matter. The

applicant should submit his detailed reply/objections to the show cause notice, ventilate all his grievance before the competent authority in response to the proceedings being held after issuance of the show cause notice at the first instance. It would be for the competent authority to evaluate the objections of the applicant and thereafter take a decision in the matter and still aggrieved applicant can always invoke jurisdiction of this Tribunal. At this preliminary stage, in the facts and circumstances of the case, we are of the considered view that it is not proper for this Tribunal to step into the shoes of the competent authority and decide the show cause notice on merits instead it would be more appropriate for the applicant to raise all objections as raised in this Application before the competent authority in response to the show cause notice and we are confident that the competent authority shall address all the issues before taking a final decision in the matter. In the light of the aforesaid, we find no ground to interfere into the matter at this stage. The OA is, therefore, dismissed.

8. We may indicate that we have not expressed any opinion on the merits of the matter. The observations made in this order with regard to the charges and allegations against the applicant are only for the purpose of considering whether interference at this stage of

show cause notice is called for or not. The same are neither final nor based on the same any decision can be taken as they are not findings by this Tribunal with regard to the allegations leveled against the applicant.

9. No order as to costs. Pending MA stands disposed of.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

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

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