

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

OA 1673/2024 WITH MA 2796/2025 AND MA 2962/2024

Cpl Avoy Sinha Babu ..... Applicant  
Versus  
Union of India & Ors. .... Respondents

For Applicant : Ms. Nandadevi Deka, Advocate  
For Respondents : Ms. Garima Sachdeva, Advocate

WITH

OA 579/2025

Sgt Vikram Singh ..... Applicant  
Versus  
Union of India & Ors. .... Respondents

For Applicant : Mr. Anshuman Mehrotra, Advocate for  
Mr. Ankur Chhiber, Advocate For  
Respondents : Ms. Garima Sachdeva, Advocate

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HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON  
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER

Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007, the applicants herein have called in question tenability of the orders passed by the respondents, mainly the Air Force authorities, rejecting their claim for grant of premature discharge from the service of the Indian Air Force.

2. As common questions of law are involved, both these matters are being disposed of by this common order.

Apart from seeking premature discharge, the applicants have also challenged the tenability of Policy No. HRP PT II/CP/02/2022 dated 15.12.2022 pertaining to the grant of premature discharge, on the ground that the same is arbitrary and unconstitutional.

OA 1673/2014

3. The applicant, Cpl Avoy Sinha Babu, was enrolled in the Indian Air Force on 30.12.2015 as an Aircraftsman (AC). At the time of invoking the jurisdiction of this Tribunal, he was holding the rank of Corporal and serving as an Auto Tech (Driver), posted at 172 SU AF (Pir Bhadeshwar) since 18.11.2022. His regular tenure of engagement is for a period of 20 years which is expiring on 29.12.2035.

4. It is evident from the records that on 03.04.2023, the Staff Selection Commission (SSC) issued a notification inviting applications for various posts under the Combined Graduate Level Examination (CGL). The applicant applied pursuant to the said notification. He appeared in the preliminary examination on 26.07.2023 and on qualifying appeared in the main examination held on 26.10.2023. The results of the main examination were declared on 08.12.2023

(Annexure A-9) in which the applicant was declared successful.

5. Subsequently, on 16.12.2023, the applicant reported for document verification to the SSC. He was selected for appointment to the post of Inspector, CGST & Customs, a Group 'B' Non-Gazetted post under the Government of India. In light of his selection, and in accordance with the provisions of AFO 04/2023, the applicant submitted a request for discharge on compassionate grounds on 02.01.2024 (Annexure A-10). In the said request, he indicated the serious illness of his father who is 73 years old and his role as the sole breadwinner of his family which includes aged and ailing parents. He also submitted that the salary earned as a driver in the Indian Air Force was insufficient to support his family, and therefore, he sought discharge to pursue a better career opportunity.

6. Thereafter, he received a joining letter and further communication from the office of the Principal Commissioner, GST Commissionerate, Guwahati, confirming his appointment to the said post. These documents are collectively filed as Annexure A-11 in the OA. In spite of the

request for discharge made on 02.01.2024, the applicant was not relieved from service. Consequently, he invoked the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007, by filing OA No:517/2024.

7. Simultaneously, the applicant communicated his inability to join the new post within the stipulated period and sought time for the same (Annexure A-11). In the meanwhile, vide order passed by this Tribunal on 14.02.2024 the OA No. 517/2024 has disposed of, noting that the discharge application dated 02.01.2024 was still pending consideration before the Competent Authority and accordingly, directed the Competent Authority to dispose of the application within four weeks.

8. Pursuant to this direction, the Competent Authority rejected the application dated 02.01.2024 for discharge by a speaking order dated 15.03.2024, which is now under challenge in this present OA. The applicant has questioned the rejection on the ground that it is arbitrary, unjustified, and based on Policy No. HRP PT II/CP/02/2022, dated 15.12.2022 which imposes an unreasonable restriction by permitting issuance of No Objection Certificate (NoC) for



Government employment only within the last year of residual service.

9. The applicant submits that his case falls squarely within the scope of Clause 3 of AFO 04/2023 which permits discharge on compassionate grounds including serious illness of parents. The operative part of the clause reads as under:

*3. Compassionate Grounds. A situation where material hardship may be caused to Airmen/NCs(E) or their dependents by their continuation in service. These grounds/situations can be broadly categorized as:-*

- (a) Acute/serious illness of parents/direct dependents like wife and children where the continued absence of the Airman/NC (E) could jeopardize their lives.*
- (b) In case of unexpected calamities/developments in the family including death, serious illness/disability of a member wherein the entire responsibility of the family now rests on the shoulders of the Airman/ NC(E). Presence of the Airman/NC(E) at home is absolutely necessary and his absence from his family could cause heavy financial loss to the family.*
- (c) Other valid personal reasons deserving sympathetic consideration.*

*Note:- Issue of posting order, not clearing promotion examination, self-medical conditions etc. cannot be constructed as grounds for discharge on compassionate grounds.*

10. It is the case of the applicant that he is the only son of poor, illiterate, and ailing parents, having joined the Air Force at a young age of 19 years. In spite of sincere service, he has not seen any significant career progression. He contends that the post of Auto Tech (Driver) in Group 'C' has no real promotional avenues and offers limited financial sustenance.

11. On being selected by the SSC for the post of Inspector (CGST & Customs), the applicant sought discharge in accordance with AFOs 14/2008, 16/2008, and 04/2023, which permits discharge on compassionate grounds. However, the authorities relied upon the 2022 Policy (No. HRP PT II/CP/02/2022), which mandates that NoC for joining civil Government employment shall only be granted in the last year of residual service effectively disallowing discharge at this stage.

12. The applicant submits that the 2022 policy is arbitrary, unconstitutional, and in conflict with the AFO provisions which provide for compassionate discharge, irrespective of length of remaining service. He further argues that Clause 3 of AFO 04/2023 clearly permits discharge in cases of serious illness of parents which applies squarely to his case.

13. It is also placed on record that the applicant had initially approached the Hon'ble High Court of Delhi by filing W.P.(C) No.6261/2024 which was withdrawn on 14.03.2024 with liberty to approach this Tribunal.

14. Accordingly, by way of the present OA No.1673/2024, the applicant seeks:

(a) Premature discharge from the Indian Air Force on extreme compassionate grounds, specifically the serious illness of his aged father as contemplated under Para 3 of AFO 04/2023, and

(b) A declaration that the restriction imposed by Policy No. HRP PT II/CP/02/2022 limiting the issuance of NoC only in the final year of service is arbitrary, unreasonable, and unsustainable in law.

15. The learned counsel for the applicant has invited our attention to various provisions of the documents available on record particularly Clause 3 of AFO 14/2008, AFO 04/2012, AFO 33/2017, Clause 3 of AFO 04/2023, AFO 23/2022, and the HRP Policy dated 15.12.2022. She submits that the classification introduced in the HR Policy of 2022 which restricts the issuance of NoC for discharge only during the last year of residual service is arbitrary and unsustainable in law.

16. It is the case of the applicant that prior to the enforcement of the HR Policy of 2022 the existing policy permitted airmen to apply for NoC after completing seven years of service. The amended policy, introduced in 2022,

curtails this right in an arbitrary manner thereby depriving the applicant of a previously available and beneficial provision. Learned counsel urges that the Air Force Orders (AFOs) ought to be construed liberally and that the current policy unjustifiably restricts the applicant's right to seek better career prospects thereby infringing upon his constitutional right to pursue a profession of his choice.

17. Learned counsel for the applicant has also drawn our attention to the speaking order impugned in the present OA contending that the denial of discharge under Para 3 of AFO 04/2023 and the 2022 policy is arbitrary and violative of the applicant's rights. She places reliance on the decision of the Hon'ble High Court of Delhi in Barjesh Jaiswal v. Union of India & Ors. [W.P. (C) 505/2011], as well as on AFO 14/2008, to support her contention that the policy should be interpreted to facilitate the career progression of Air Force personnel.

18. The applicant a Corporal drawing a gross salary of Rs.60,000/- per month, has submitted that he has been offered a position as Inspector with a salary of Rs.90,000/-.

Thus, the discharge is sought on the ground of better career prospects.

19. Learned counsel for the applicant has relied upon the following judgments in support of her contention :-

- a) State of West Bengal v. Anwar Ali Sarkar (AIR 1952 SC 75) – to argue that the policy is not based on any intelligible differentia and lacks rational nexus to the object sought to be achieved.
- b) Cpl N.K. Jakhar v. Union of India [W.P. (C) No. 9088/2008] – for the principle that procedural provisions in such matters are directory in nature.
- c) Superintendence Co. of India (P) Ltd. v. Sh. Krishan Murgai [1980 AIR 1717] – to emphasize the unequal bargaining power between the employer and employee and to challenge the arbitrary nature of the impugned policy.

20. Per contra, the respondents have filed a detailed counter affidavit opposing the reliefs claimed. It is their case that the applicant had, at the time of enrolment, voluntarily undertaken to serve the Indian Air Force for a regular engagement period (RE) of 20 years, as per the Air Force

Instructions 12/S/48 (as amended). The enrolment form IAFF (P)-5 (Annexure R-1 of the counter affidavit) clearly contains this undertaking which the applicant is now seeking to breach.

21. The respondents highlight that as of 12.07.2024 there exists a severe manning constraint in respect of MTD/Auto Technical trades with only 81.72% manning against the authorized establishment. Moreover, since 2021, there has been zero induction in these trades. Given the operational and national security requirements, they argue that the applicant's discharge cannot be permitted.

22. It is further submitted that the HRP Part II/CP/02/2022 brought into force on 15.12.2022 specifically allows NoC to be issued only during the last year of the residual service. The applicant, having not intimated the Air Force before applying for the post under the Staff Selection Commission, and only seeking discharge after receiving the appointment letter on 08.12.2023 is clearly in breach of the mandatory requirement of seeking prior permission.

23. The respondents rely upon the judgments of the Hon'ble Supreme Court i.e., Union of India & Ors. v. R.R. Yadav [(2000) 5 SCC 325], and Amit Kumar Ray v. Union of India & Ors. [Civil Appeal No. 4605-4606/2019], as well as this Tribunal's decisions in the case of Sgt. Aadesh Kumar v. Union of India & Ors. [OA No. 1169/2021, decided on 04.01.2024], Sgt. Muralidhar Pakal v. Union of India & Ors. [OA No. 216/2023, decided on 19.04.2023], and Cpl. Nakhat Singh v. Union of India & Ors. [OA No. 3068/2022, decided on 06.12.2023] to argue that discharge from service especially for compassionate or personal grounds cannot be claimed as a matter of right.

24. Reliance is also placed on the judgment of the Hon'ble High Court of Delhi in Mukesh Singh Rajput v. Union of India & Ors. [W.P. (C) 5759/2019, decided on 15.12.2020], wherein it has been held that service policies can be changed from time to time depending on the exigencies of service.

25. The respondents have raised strong administrative and operational grounds to oppose the application and contend that the applicant has failed to make out a case for grant of discharge or for interference by this Tribunal.

OA No. 579/2025

26. The applicant herein is similarly situated as the applicant in OA No.1673/2024 (Cpl Avoy Sinha Babu). He was enrolled as an Airman in the Indian Air Force on 28.09.2011 and after completion of training was confirmed and promoted to the rank of Leading Aircraftsman (LAC) in the year 2013 subsequently to the rank of Corporal (Cpl) in 2016 and is presently serving as a Sergeant (Sgt) in the Indian Air Force. The applicant seeks premature discharge from service on identical grounds as raised in the aforementioned OA. He also challenges the Human Resources Policy of 2022 contending that the same is arbitrary and unsustainable in law.

27. The only distinction in the present case is that the applicant in response to an advertisement issued by the Rajasthan Public Service Commission vide Annexure A3 dated 22.06.2023 applied for appointment to the post of Assistant Professor (Hindi). He participated in the selection process, appearing in the written examinations held on 07.01.2024 (General Studies) and 17.03.2024 (Hindi), successfully qualified and was shortlisted for the interview.



Thereafter, he appeared in the final written examination and interview and was granted appointment to the said post.

28. However, prior to appearing in the interview, the applicant sought permission for discharge from service vide letter dated 23.08.2024. His claim for discharge has been rejected by the respondents vide letters dated 11.09.2024 and 24.12.2024. The present OA has been filed challenging the said rejection orders, raising identical grounds as canvassed in OA No. 1673/2024. The applicant also places reliance upon various judicial pronouncements in support of his contention.

#### Consideration

29. We have heard learned counsel for the parties at length and have perused the records. The moot question for consideration is whether the refusal of permission to grant the No Objection Certificate (NoC) to the applicants is tenable in law. However, before advertng to the said issue, it would be appropriate to take note of the relevant provisions of the Air Force Instructions (AFIs) governing premature discharge on compassionate grounds and for seeking civil employment. AFO 04/2023 contemplates the policy for discharge from

service on compassionate grounds. Para 3 of the said policy stipulates the grounds for such discharge. However, Para 1 of AFO 04/2023 clearly provides that “Discharge from service cannot, however, be claimed as a matter of right and nothing in this order shall interfere with the power of the Air Headquarters to suspend, withhold or refuse the same.” With regard to seeking NoC for applying for government employment, the HR Policy dated 15.12.2022 governs the field. Para 5 of the said policy lays down:

*Eligibility Conditions*

*5. Considering the resettlement needs of Airmen/NCs(E), they shall be eligible for issue of NoC as per the following:-*

Category	Post	Eligibility
Airmen	Any post under Govt Employment	Airmen in the last year of residuale service prior to expiry of their initial RE/Extended RE/Obligatory period, whichever is later.
NCs (E)		On completion of 19 years of service or Obligatory period, whichever is later.

*Note:-*

*1. The term ‘Government Employment’ shall include employment in a civil post under Central, State Government, Union Territory Administration/Government or in a post under a Body Corporate owned or controlled by the Government or in a PST.*

*2. Obligatory period implied undertaking by the individual to serve for a specific period due to any service obligations (s).*

30. The applicant in OA No.1673/2024 sought discharge on the grounds of his father's ailment and for career progression, while the applicant in OA No. 579/2025 sought discharge solely on grounds of career progression. Both applicants have challenged the constitutional validity of the HR Policy of 2022 terming it arbitrary, illegal, and violative of their fundamental rights.

31. The issue of seeking compassionate appointment and the rights available to an employee of the Armed Forces in this regard was considered by the Hon'ble Supreme Court in the case of Amit Kumar Roy (supra). In that case, an airman in the Indian Air Force sought discharge on the grounds of career progression following his appointment as a probationary officer in a bank. While dealing with the issue, the Hon'ble Supreme Court, in Para 9 of the judgment took note of the mandate of Article 33 of the Constitution, which reads as under:

9. *Article 33 of the Constitution provides as follows:-*

*33. Parliament may, by law, determine to what extent any of the rights conferred by this part shall, in their application to,-- (a) the members of the Armed Forces; or (b) the members of the Forces charged with the maintenance of public order; or (c) persons employed in any bureau or*

*other organization established by the State for purposes of intelligence or counter intelligence; or (d) person employed in, or in connection with, the telecommunication systems set up for the purposes of any Force, bureau or organization referred to in clauses (a) to (c), be restricted or abrogated so as to ensure the proper discharge of their duties and the maintenance of discipline among them."*

*The Air Force Act 1950 has been enacted by Parliament legislating under Articles 245(1) and 246(1) of the Constitution. The specific legislative entry in the VII Schedule is Entry 2 of the Union list which reads thus:*

*"Naval, military and Air Forces; any other armed forces of the Union."*

*The Air Force Act 1950 imposes restrictions on the fundamental rights of the members of the IAF with a view to ensure 'proper discharge of duties and the maintenance of discipline among them'. Section 13 stipulates the procedure which is to be followed before the enrolling officer, where any person desires to be enrolled. Section 13 provides as follows:*

*"13. Procedure before enrolling officer.-Upon the appearance before the prescribed enrolling officer of any person desirous of being enrolled, the enrolling officer shall read and explain to him, or cause to be read and explained to him, in his presence, the conditions of the service for which he is to be enrolled; and shall put to him the questions set forth in the prescribed form of enrolment, and shall, after having cautioned him that if he makes a false answer to any such question he will be liable to punishment under this Act, record or cause to be recorded his answer to each such question."*

*Section 14 provides for the mode of enrolment:*

*"14. Mode of enrolment-II, after complying with the provisions of section 13, the enrolling officer is satisfied that the person desirous of being enrolled fully understands the questions put to him and consents to the conditions of service, and if such officer perceives no impediment, he shall sign and*

*shall also cause such person to sign the enrolment paper, and such person shall thereupon be deemed to be enrolled."*

*Section 15 deals with the validity of enrolment:*

*"15. Validity of enrolment.-Every person who has for the space of three months been in receipt of pay as a person enrolled under this Act and been borne on the rolls of any unit shall be deemed to have been duly enrolled, and shall not be entitled to claim his discharge on the ground of any irregularity or illegality in his enrolment or on any other ground whatsoever; and if any person, in receipt of such pay and borne on the rolls as aforesaid, claims his discharge before the expiry of three months from his retirement, no such irregularity or illegality or other ground shall, until he is discharged in pursuance of his claim, affect his position as an enrolled person under this Act or invalidate any proceedings, act or thing taken or done prior to his discharge."*

*Before enrolment, the enrolling officer has to make the person who desires to be enrolled cognizant of the conditions of service. Section 14 mandates that before signing or the enrolment, the individual has to consent to the conditions of his service. A person who has for a period of three months been in receipt of pay as a person enrolled under the Act and has been borne on the rolls of any unit is deemed to have been duly enrolled. On being attested under Section 16 the individual subscribes to an oath or affirmation to bear allegiance to the Constitution, to serve in the Air Force and to obey all commands of an officer set over him, even to the peril of his life". Tenure in the Air Force is subject to the pleasure of the presidents. A person subject to the Air Force Act 1950 may be retired, released or discharged from service "by such authority and in such manner as may be prescribed.*

32. The Hon'ble Supreme Court in Amit Kumar Roy (supra)

held that the Air Force Act, 1950, enacted under Articles 245

and 246 of the Constitution of India imposes such restrictions.

33. Sections 13, 14, and 15 of the Air Force Act, 1950 detail the process of enrollment and validity thereof, signifying the commitment undertaken by a person joining the Air Force. The importance of these commitments and the mandatory consent to the terms of service were emphasized.

34. After considering all these aspects, the Hon'ble Supreme Court, in Para 9 of its judgment in the case of Amit Kumar Roy (supra) discusses the significance of the signing of the enrolment form by a person who joins the Air Force, the requirement of statutory forms, and the right available to such a person to seek discharge under the Air Force Act. The Court took note of the provisions of Air Force Order (AFO) 14/2008 as it existed at the relevant time. In Para 14, the Hon'ble Supreme Court clearly noted that, while seeking premature discharge after applying for the post of Probationary Officer in the Bank of India, the appellant therein failed to comply with his obligations both in terms of his engagement as an enrolled member of the Force and with

respect to the statutory requirements. The Court observed as follows:

*14. In the present case, the appellant in breach of the provisions contained in AFO 14/2008 applied for the post of a Probationary Officer with the Bank of India, participated in the written test and appeared at the interview without intimation of approval. There was, therefore, a failure of the appellant to comply with his obligations both in terms of his engagement as an enrolled member of the force and in relation to the requirements which were to be fulfilled under the terms of AFO 11/2003.*

35. In Para 15, the Hon'ble Supreme Court discussed the applicability of the rights under Article 19(1)(g) of the Constitution in the following terms:

*15. We are unable to accept the submission of Mr Sankaranarayanan that the appellant had an unqualified right under Article 19(1)(g) of the constitution to leave the service of the Air Force. The provisions of the Air Force Act, those contained in the rules and the terms of engagement of the appellant belie such an assertion. AFO 14/2008 emphasizes aspects such as the criticality of the trade and the exigencies of service. They need to be verified and assessed before permission is granted. A person who has been enrolled as a member of the Air Force does not have an unqualified right to depart from service at his or her will during the term of engagement. Such a construction, as urged on behalf of the appellant, will seriously impinge upon manning levels and operational preparedness of the armed forces. With the rapid advancement of technology, particularly in its application to military operations, there has been a reconfiguration of the human and technological requirements of a fighting force. The interests of the service are of paramount importance. A balance has been sought to be drawn between the interests of the service with situations involving requests by persons enrolled to take civilian employment. This balance is reflected in the provisions contained in the Air Force orders, in this case AFO 14/2008. A person*



*enrolled cannot assert a general right to act in breach or defiance of those orders.*

36. Similarly, the Hon'ble Delhi High Court in Cpl Mukesh Singh Rajpoot v. Union of India & Ors. upheld the right of the Indian Air Force to amend its policies from time to time, noting that the exigencies of service justify such modifications. Para 18 of the judgment clearly states that in the absence of any clause guaranteeing applicability of the recruitment-time AFO throughout the tenure, the Air Force is empowered to change policy.

18. *As far as the plea in the petition, of the AFOs in force at the time of recruitment of the petitioner and till AFO No.33/2017 not containing any such condition of recruitment to be through UPSC/SPSC only, is concerned, it is not even further pleaded that the petitioner, throughout his employment was to be governed by the AFO in force at the time of recruitment or that the respondents IAF were not entitled to, from time to time change the policy. In the absence of any plea, we are of the view that the respondents TAF, depending upon the exigencies and requirements from time to time, in a matter as that of letting the Airmen go even prior to their initial regular engagement, is entitled to change the policy.*

19. *We may also notice that even though there is no specific challenge by the petitioner as aforesaid, to the requirement of recruitment through UPSC/SPSC only but the respondents IAF in their counter affidavit have pleaded the rationale therefore and with which, we tend to agree. The respondents IAF having spent considerable amounts on training of Airmen, as pleaded, is fully entitled to restrict discharge before the expiry of their initial regular engagement only if recruited through UPSC/SPSC. It is also not as if while notifying AFO No.33/2017 the authorities concerned were not cautious of the said aspect. As aforesaid while the said condition exists for discharge after 7 years of*



*service, it does not exist for seeking discharge during one year of residual service.*

37. The applicants in these cases are governed by the terms of enrollment and are not entitled to seek discharge as a matter of right. Their applications are in clear breach of policy, including AFOs applicable at the relevant time.

38. The coordinate Benches of this Tribunal in Sgt. Aadesh Kumar, Sgt. Muralidhar Pakal, and Cpl. Nakhat Singh (supra) have also consistently held that NoC must be sought prior to applying for a civil job or at least before the document verification/interview stage. In both present OAs, the applicants admittedly sought NoC only after being selected thus violating the procedural requirement.

39. The Division Bench of the Hon'ble Delhi High Court in the case of Corporal Manoranjan Kumar v. UoI, [WP(C) No. 494/2017] in Para 11 has dealt with this issue in the following manner :-

*11. We have considered the rival submissions of the parties. At the outset, we may note that we are not impressed by the explanation given by the petitioner for not seeking prior approval and routing his application through proper channel while applying to the post of Assistant Manager in Kolkata Port Trust. If the petitioner could make an application to the Kolkata Port Trust directly and even appear in the examination, there is absolutely no justification for him not having routed his application through proper*

*channel on applying for prior permission to the competent authority in the IAF before making such application.*

40. The Hon'ble Supreme Court in the case of R.P. Yadav v. UoI also addressed this issue and the issue has been considered in the following manner:-

*"An incidental question that arises is whether the claim made by the respondents to be released from the force as a matter of right is in keeping with the requirements of strict discipline of the naval service. In our considered view the answer to the question has to be in the negative. To vest a right in a member of the Naval Force to walk out from the service at any point of time according to his sweet will is a concept abhorrent to the high standard of discipline expected of members of defence services. The consequence in accepting such contention raised on behalf of the respondents will lead to disastrous result touching upon the security of the nation. It has to be borne in mind that member of the defence services including the Navy have the proud privilege of being entrusted with the task of security of the nation. It is privilege which comes the way of only selected persons who have succeeded in entering the service and have maintained high standards of efficiency. The position is clear that a sailor is entitled to seek discharge from service at the end of the period for which he has been engaged and even this right is subject to the exceptions provided in the Regulations. Such provisions, in our considered view, rule out the concept of any right in a sailor to claim as of right release during subsistence of period of engagement or re-engagement as the case may be. Such a measure is required in the larger interest of the country. A sailor during the 15-20 years of initial engagement which includes the period of training attains a high degree expertise and substantial amounts are spent from the exchequer. "*

41. A careful reading of the counter affidavits filed by the respondents shows that the administrative and operational exigencies, as well as rationale for the 2022 policy change, have been clearly stated. The policy restricting NoC eligibility to the last year of residual service is neither unconstitutional nor arbitrary. The differentiation is based on a rational

classification linked to service interest and national security imperatives.

42. In view of the above legal position, the applicants' reliance on general principles of constitutional rights is misplaced, as Article 33 permits valid restrictions on such rights for members of the Armed Forces.

43. For the foregoing reasons and in light of binding precedents, both the Original Applications (OA No.1673/2024 and OA No.579/2025) are found to be devoid of merit and are accordingly dismissed.

44. No order as to costs.

45. Pending miscellaneous applications, if any, stand disposed of.

Pronounced in the open Court on 19<sup>th</sup> day of August, 2025.

(JUSTICE RAJENDRA MENON)  
CHAIRPERSON

(REAR ADMIRAL DHIREN VIG)  
MEMBER (A)

/Ps/