

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

17.

OA 1401/2025

Dharmender Adm Asst (GD)		Applicant
Versus		
Union of India & Ors.		Respondents
For Applicant	:	Mr. Madan Lal & Pankaj Yadav, Advocates
For Respondents	:	Mr. R. S. Chillar, Advocate

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

ORDER
09.05.2025

Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007, the applicant has filed the present OA, wherein the reliefs claimed are detailed in Paragraph 8 of the application, which are reproduced below:

- a) To adjudicate and declare the arrest of the applicant as illegal, arbitrary, and unlawful in the legal provisions.
- b) To order the convening of Court Martial for punishing the Respondent No. 4 & 5, as per law.
- c) To order Respondents to pay compensation of Rs. 2 crores, along with interest pendente lit. from date of arrest, for illegally depriving the

personal liberty of applicant and harassment and litigation charges.

d) To pass such other and further order/orders as this Hon'ble Tribunal may deem fit just & equitable in the facts and circumstances of the case.

2. The grievance of the applicant is that based on a false case allegedly initiated at the behest of Respondent Nos. 4 and 5, he was illegally arrested and detained. He has since been released, however, contending that the detention was unlawful, he seeks compensation and also prays for disciplinary action against Respondent Nos. 4 and 5, including convening a court-martial and awarding punishment for the harassment and illegality alleged to have been committed against him.

3. From the record, it appears that the applicant was serving in the Indian Air Force, having been appointed under the sports quota due to his credentials as a Kabaddi player. According to the applicant, Respondent No. 5 harboured personal enmity against him and under the pretext of alleged misconduct, insubordination and unbecoming behaviour, took disciplinary action resulting in the applicant's detention in the Air Force Station Detention Cell at Awantipura for three days from 15.07.2024 to 18.07.2024.

4. The applicant further alleges that Respondent No. 4 failed to act on a petition for redress of grievances (ROG) submitted by

him, thereby aggravating his situation. Respondent No. 4 is a Group Captain and Respondent No. 5 is a Warrant Officer, both posted at Air Force Station, Awantipura.

5. Upon consideration of the applicant's contentions and the material available on record, we are of the considered view that this is not a fit case for invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007. We note that OA No. 1895/2024 is already pending before this Tribunal, wherein the issue of restoration of the applicant's rank is under adjudication. The applicant's present grievance appears to be an extension of that issue, arising out of the requirement imposed by Respondent No. 5 that he wear the uniform of an LAC, whereas the applicant claims to be holding the acting paid rank of Sergeant.

6. Be that as it may, the allegations made against Respondent Nos. 4 and 5 are vague, unsubstantiated and lack the specificity necessary for this Tribunal to exercise its judicial review jurisdiction. Accordingly, no case for interference is made out with regard to the applicant's alleged wrongful confinement.

7. Finding no merit in the application, the same is dismissed. However, it is observed that the applicant may approach the higher authorities of the Indian Air Force with his grievance and it shall be for those authorities to examine the matter and proceed

in accordance with the applicable rules and regulations should they find substance in the applicant's claims.

8. With the aforesaid observations, the application stands dismissed.


[JUSTICE RAJENDRA MENON]
CHAIRPERSON

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

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