

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

19.

OA 2786/2025

Col Ashish Sharma Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Sumit Sinha, Advocate
For Respondents : Maj Satvik Grover, OIC Legal Cell

CORAM

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

ORDER
12.09.2025

Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007, the applicant has filed the present Original Application. The relief claimed by the applicant is set out in Para 8 of the OA, which pertains to the challenge of his posting/transfer order to a particular place, as communicated vide the impugned order. Para 8 of the OA reads as under:-

(a) Call for the entire records, including noting sheets and recommendation/decision qua the posting of the applicant by respondents No 3 and 2 as the same is arbitrary and illegal.

(b) Quash and set aside the impugned rejection letter dated 21.07.2025 and the counseling letter dated 18.06.2025 issued by the respondents.

© Direct the respondents to reconsider the applicant's request for a posting to a station equipped with a Command Hospital or equivalent intergrated tertiary care facility, in accordance with the policy for differently abled dependents dated 05.12.2024.

(d) Direct the respondents to grant the applicant a posting to any of the stations listed in his PPSA (Preferred Posting Station Application), prioritizing stations with Command Hospital-level care, including but not limited to Chandigarh or Delhi.

2. By the impugned order, the applicant has been posted to a particular location. The applicant has challenged this transfer/posting in the present OA.

3. It is to be noted that this Tribunal is a creature of statute, constituted under the provisions of the Armed Forces Tribunal Act, 2007. The jurisdiction of this Tribunal is defined and confined to service matters, as specified in Section 3(o) of the Act, which reads as under:

“Service matters”, in relation to the persons subject to the Army Act, 1950 (46 of 1950), the Navy Act, 1957 (62 of 1957) and the Air Force Act, 1950 (45 of 1950), mean all matters relating to the conditions of their service and shall include—

(i) remuneration (including allowances), pension and other retirement benefits;

(ii) tenure, including commission, appointment, enrolment, probation, confirmation, seniority, training, promotion, reversion, premature retirement, superannuation, termination of service, and penal deductions;

(iii) summary disposal and trials where the punishment of dismissal is awarded;

(iv) any other matter, whatsoever,

but shall not include matters relating to-

(i) orders issued under section 18 of the Army Act, 1950 (46 of 1950), sub-section (1) of section 15 of the Navy Act, 1957 (62 of 1957) and section 18 of the Air Force Act, 1950 (45 of 1950); and

(ii) transfers and postings including the change of place or unit on posting

whether individually or as a part of unit, formation or ship in relation to the persons subject to the Army Act, 1950 (46 of 1950), the Navy Act, 1957 (62 of 1957) and the Air Force Act, 1950 (45 of 1950).

(iii) leave of any kind;

(iv) Summary Court Martial except where the punishment is of dismissal or imprisonment for more than three months;

4. From a plain reading of the above provision, it is evident that transfers and postings made in the ordinary course of service do not fall within the definition of "service matters" as contemplated under Section 3(o). Therefore, this Tribunal does not have jurisdiction to entertain matters arising solely out of routine transfers or postings.

5. In the present case, the challenge pertains to an order of transfer/posting issued to the applicant in the ordinary course of service. As such, it falls squarely within the exclusionary clause of Section 3(o)(b) of the Act.

6. That being so, this Original Application is dismissed, being not maintainable and beyond the jurisdiction of this Tribunal.


[JUSTICE RAJENDRA MENON]
CHAIRPERSON


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