

Issued
30/12

COURT No.1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

OA 2824/2025 WITH MA 4744/2025

Wg Cdr Karthik R Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Ms. Kumari Eti, proxy for
Mr. Ajit Kakkar, Advocate
For Respondents : Mr. Anil Gautam, Sr. CGSC

CORAM

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

ORDER

Invoking the jurisdiction of the Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007, (hereinafter referred to as 'AFT Act'), the applicant has filed this OA and the reliefs claimed in Para 8 read as under:-

“(a) Direct the respondents to place on record all documents pertaining to the request for change of date of Premature Separation from service (PSS), with an advance copy to the Applicant.

(b) Quash and set aside the impugned order bearing No. 2025/AIRHQ/PO/423 dated 05.08.2025.

(c) Direct the Respondents to grant the Applicant a change in the date of PSS to 23.01.2026

(d) To grant such other relief appropriate to the facts and circumstances of the case as deemed fit and proper.”

BRIEF FACTS

2. The applicant was commissioned into the Indian Air Force on 03.01.2005 and on account of extreme compassionate grounds and supersession, the applicant submitted a request for Premature Separation from Service (PSS) vide application dated 21.11.2024. The said request was duly considered and approved by the respondents, and consequently, the applicant was granted provisional PSS w.e.f 31.10.2025. Subsequent to the approval of his provisional PSS, the applicant applied for a Pre-Release Resettlement Course (PRC) at the Tata Institute of Social Sciences (TISS), Chennai, which was scheduled to be conducted from 28.07.2025 to 09.01.2026, through his application dated 07.04.2025. The said request for PRC was duly approved, and the applicant was granted permission to attend the course for the stated duration. However, the effective date of PSS (31.10.2025) falls within the period of the PRC (28.07.2025 to 09.01.2026), thereby causing an overlap between the two. This overlapping made it impracticable for the applicant to abandon the PRC midway and report back for release formalities at his parent unit. In view of this, the applicant submitted a representation dated 14.07.2025, annexed to the counter affidavit of the respondents, requesting change of the approved PSS date to enable him to complete the PRC and subsequently to complete his

release formalities after completion of PRC. However, the respondents, vide communication dated 05.08.2025, rejected the applicant's request without stating any reason.

3. Aggrieved by the said rejection and having no other efficacious remedy, the applicant has approached this Tribunal by filing the present application. In the interest of justice, it is considered appropriate to take up the present OA for consideration in terms of Section 21(1) of the Armed Forces Tribunal Act, 2007.

CONTENTIONS OF THE PARTIES

4. The learned counsel for the applicant submitted that the applicant has served in the Indian Air Force with full dedication and sincerity, earning the complete satisfaction of his senior officers. During his entire service, he has maintained a spotless record and carried out all his duties responsibly.

5. It is further submitted by the learned counsel that the applicant was granted PSS w.e.f. 31.10.2025 and submitted that he has to undergo PR Course from 28.07.2025 to 09.01.2026 for which he had applied. The overlapping of the dates of PSS and PR Course makes it impossible for the applicant to abandon the PRC midway and return to complete the required release formalities. Since, these formalities are inherently time-consuming and mandatory in nature, the applicant has requested that his PSS date

be changed to 23.01.2026 so that he can complete all necessary procedures properly. It is further submitted on behalf of the applicant that the applicant's request is covered under the provision of Para 25(b) of HRP 02/2018 (PSS) which allows an officer to attend a PRC to get an extension or change in the PSS date for up to two weeks after completing the PRC and in this case, the applicant had exercised his option within the permitted time, fulfilling all conditions under this rule. Therefore, the rejection of his request goes against both the purpose and the spirit of this policy, which was meant to prevent exactly this kind of difficulty. It was submitted that since the policy itself allows relaxation in genuine cases, rejecting the applicant's request without considering his genuine situation is unfair, and arbitrary on the part of the respondents.

6. To support this argument, the counsel places reliance on the verdict of the Hon'ble Supreme Court in *E.P. Royappa v. State of Tamil Nadu & Another* (1974) SCC 43, where the similar relief was granted to the petitioner.

7. *Per contra*, the learned counsel for the respondents contended that the applicant was granted PSS w.e.f from 31.10.2025 vide letter dated 02.04.2025 and thereafter the applicant, himself, requested for the grant of Pre-release course vide his application dated 02.07.2025, so, the applicant was fully

aware that the date of his PSS, i.e., 31.10.2025, would overlap with the PRC period, i.e., 28.07.2025 to 09.01.2026, at the time of opting for the same. Despite this knowledge, the applicant voluntarily chose to proceed with the PRC. Therefore, his plea that the overlapping of the PSS and PRC periods has placed him in an impossible situation lacks merit and cannot be accepted.

8. The learned counsel for the respondents further submitted that although HRP 02/2018 initially permitted a limited change in the PSS date, the said provision cause avoidable administrative difficulties, such as:

- (i) Officers remaining on the strength of the Unit during PRC, effectively leaving their posts vacant; and
- (ii) The inability to fill such vacant posts as doing so would exceed the authorized strength.

Consequently, the provisions relating to changes in approved PSS dates are presently under review as it causes unavoidable administrative difficulties.

9. The respondents further argued that when the applicant applied for the PRC, he had given a written undertaking that he would not ask for any change in his approved PSS date once it was granted. Counsel for the respondents also stated that the applicant had enough time between 02.04.2025, when the PSS

signal was issued, and 28.07.2025, when the PRC started, to complete his pre-departure clearance formalities.

10. The learned counsel further contended that the seeking change of PSS date is not a matter of right and in the instant case the applicant has an option to complete his clearance formalities by availing 10 days leave during his PRC and grant of PSS or approval of request for change of granted PSS date is solely in the interest of the organization. Therefore, the learned counsel for the respondents argued that the applicant is not entitled to any change in his approved PSS date and thus OA deserves to be dismissed.

ANALYSIS

11. We have heard the parties at length and perused the documents produced before us by both the parties. The issue for determination before this Tribunal is whether the applicant is entitled to a change of the approved Premature Separation from Service (PSS) date from 31.10.2025 to 23.01.2026 on the ground of overlap between the PSS and the Pre-Release Course (PRC) period.

12. It is an admitted fact that the applicant was granted approval for PSS w.e.f. 31.10.2025. It is also not disputed that the applicant subsequently applied for a PRC at TISS, Chennai, for the period from 28.07.2025 to 09.01.2026, thereby causing an

overlap with his approved PSS date. The applicant, while applying for the PRC, was fully aware of the approved PSS date and of the fact that he has given an undertaking that once the PSS request was approved he would neither withdraw nor seek the change of PSS date. Despite this, the applicant chose to pursue the PRC.

13. The applicant relies on Para 25(b) of HRP 02/2018 (PSS), which states as under:-

“(b) In case of officers undergoing a PRC, the officer may be granted an extension/change of date of PSS up to two weeks beyond the date of completion of PRC. This extension would be granted to the officer only if he/she has opted for PRC starting in the first three months of the period of jurisdiction. This relaxation is being offered to facilitate the officer to complete his/her clearance formalities in the Station/Unit after completion of the PRC and proceed on PSS. Under any circumstances, only one change of date of PSS would be permitted.”

However, this depends on whether the officer meets certain conditions, such as beginning the PRC within the first three months of the allowed period. Even if the officer meets these conditions, the final decision to allow or deny the change is made by the competent authority, looking into the administrative needs before deciding.

14. The respondents have explained that allowing changing the PSS date causes administrative and staffing problems, as officers attending PRC continue to remain on the strength of their parent units, leaving their posts vacant.

15. The records also show that the applicant had given a written undertaking at the time of applying for the PSS that he would not ask for any change in his approved PSS date thus his prayer for change of PSS date is unjustified. It is also noted that the applicant was informed of his approved PSS date on 02.04.2025 and had enough time before the start of the PRC on 28.07.2025 to complete or at least begin his release formalities. The respondents have rightly pointed out that the applicant can also use his leave during the PRC period to complete the remaining formalities. The applicant has not provided any convincing reason or evidence to show that he made genuine efforts to do so and was still unable to complete them.

16. Considering all the facts and circumstances, we find that the rejection of the applicant's request for a change in the approved PSS date by the respondents is reasonable.

CONCLUSION


17. In view of the aforesaid consideration, we find no infirmity in the action of the respondents in rejecting the applicant's request for change of the PSS date, and thus, the applicant is not entitled to change of PSS date and thus the OA 2824/2025 stands dismissed. Consequently, pending miscellaneous application(s) also stands closed.

18. There is no order as to costs.

Pronounced in open Court on this 30th day of October,

2025.


[JUSTICE RAJENDRA MENON]
CHAIRPERSON


[REAR ADMIRAL DHIREN VIG]
MEMBER (A)

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