

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

21.

OA 3421/2025

CPL Shiv Singh Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Ms. Eti, Advocate for
Mr. Ajit Kakkar, Advocate
For Respondents : Wg Cdr Gagan Sharma, Deptt. Reptt.

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HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE MS. RASIKA CHAUBE, MEMBER (A)

ORDER
27.10.2025

Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007, the applicant has challenged the tenability of the Show Cause Notice (SCN) dated 27.03.2025 (Annexure A-1).

2. In Para 4 of the said SCN, violations of Para 790(a), (b), (c), and (e) of the Regulations for the Indian Air Force, 1964 have been alleged, holding the applicant blameworthy for certain acts of commission and omission.

3. At this stage, only a SCN has been issued to the applicant. It is, therefore, for the applicant to submit a reply to the SCN and place all defences, as have also been raised in this application before the Competent Authority. At this juncture, the Tribunal is not expected to step into the shoes of

the Competent Authority to evaluate the applicant's defence or adjudicate upon the merits of the SCN.

4. This principle has consistently been followed by the Tribunal in similar matters involving other Air Force personnel. In particular, reference is made to the case of Wg Cdr Siddharth Pradhan Vs Union of India & Ors., [OA No.2850/2025, decided on 19.09.2025] where identical issues were raised and the Tribunal declined to interfere at the stage of issuance of the SCN. The detailed reasoning in that case is fully applicable to the present matter as well.

5. Accordingly, we are not inclined to interfere in the matter at this stage. The application is, therefore, disposed of with the observation that we have not expressed any opinion on the merits of the rival contentions. It shall be open to the applicant to raise all permissible defences including those taken in this application before the Competent Authority. The Competent Authority shall consider the same and take a decision in accordance with law.

6. Needless to emphasize, if the applicant remains aggrieved by the decision so taken, he shall have the liberty to challenge the same afresh before this Tribunal including on the grounds urged in the present application.

7. With the aforesaid observations, the OA stands disposed of.

8. A copy of this order be given '*DASTI*' to both the parties.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[RASIKA CHAUBE]
MEMBER (A)

/PS/
OA 3421/2025