

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

126.

OA 1736/2019

Sgt Sanjay Kumar		Applicant
Versus		
Union of India & Ors.		Respondents

For Applicant	:	Mr. Baljeet Singh, Advocate
For Respondents	:	Gp Capt Karan Singh Bhati, Sr. CGSC

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

ORDER
20.08.2025

Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007, the applicant has filed this OA challenging the impugned order dated 26.06.2019 (Annexure A1) by which a second extension of three years of service has been denied to him.

2. The applicant was enrolled in the Indian Air Force on 12.11.1996 in a medically fit category. It is his contention that on 18.02.2000, while on duty and working on a Ground Power Unit (GPU) for unloading a battery he sustained an injury to his right wrist and other parts of the body. Due to persistent pain in the right wrist, he underwent surgery and was subsequently placed in a low medical category.

3. As per the injury report dated 12.09.2000, his injury was held to be attributable to service. However, after detailed medical examination, the disability was diagnosed as Ankylosing Spondylitis (Old) and the applicant was placed in low medical category A4G4 (P) on 25.09.2002. Furthermore, he was diagnosed with Secondary Osteoarthritis (Right Hip) (Optd) – THR done (Old) on 22.10.2010 and placed in the same low medical category for this disability as well.

4. In spite of his medical condition, the applicant applied for and was granted a three year extension of service from 12.11.2016 to 11.11.2019 based on his performance. On nearing completion of this extended period, the applicant again sought further extension. According to him, his case was recommended by the Section Commander with the following remarks on 22.02.2019:

RECONSIDERATION FOR EXTENSION OF REGULAR ENGAGEMENT.

Remarks by Section Commander

1. *The SNCO is sincere, hard working and thorough professional. Despite his medical problem, he has been able to discharge his duties and responsibilities efficiently. His extension of engagement will be in the interest of service as well as would help him to fulfill social obligation towards his family.*

5. This recommendation was endorsed by the Division Head on the same date. However, the extension was

ultimately not granted and the applicant was discharged from service. Aggrieved by this decision, the applicant has approached this Tribunal.

6. It is the applicant's case that, in spite of his disability, he was performing his duties efficiently, as certified by the officers directly overseeing his work. He argues that denial of extension, despite these positive recommendations, is arbitrary and unreasonable and, therefore, calls for judicial intervention.

7. The respondents have refuted the above contentions and relied on the policy governing extensions, namely, AFO 21/2014. They contend that medical fitness as stipulated in Para 4(e) of the policy is a critical criterion for grant of extension. The relevant policy provisions under Para 4 state:

4. In terms of Para 3 of AFO21/2014, airmen who meet the minimum criteria are allowed to extend their engagement. An airman who is consistent in his overall performance may be granted extension of engagement, which is governed by the following principles:-

- (a) Service requirement*
- (b) Willingness for extension of engagement*
- (c) Passing of promotion examination/Training Courses.*
- (d) Annual Confidential Reports for the last 07 years.*
- (e) Medical Fitness.*
- (f) Conduct Records*
- (g) Suitability for extension*
- (h) Certificate of Undertaking (CoU)*

8. The respondents submit that the applicant was in medical category A4G4 (P) which is not eligible for automatic

extension under the policy. Consequently, the case was placed before the Condonation Board after approval by the competent authority.

9. The Condonation Board, after deliberations in its meeting on 26.10.2018 recorded the following findings in respect of the applicant:

“3 (e).The case for extension in respect of 785719 Sgt Sanjay Kumar PMF (Mech) falls under Para 4(g)(i) of AFO 21/2014 and AFO 15/2017 as his extension is not recommended by his Specialist Officer. As per the remarks of his Specialist Officer, his medical condition does not permit him to work on ASV, and he is unable to perform maintenance activities on ASV. Having considered the medical disability and consequent employability restrictions, the Executive and Detailed Executive Report, the Board finds him unfit for extension of service.”

10. We have heard the learned counsel for both parties and considered the rival contentions.

11. It is a well settled principle that extension of service is not a right; it is governed by applicable rules and policies and each case must be evaluated strictly in accordance with those norms. As evident from AFO 21/2014, medical fitness is one of the essential criteria for consideration of service extension. The applicant admittedly falls under the prohibited medical category A4G4 (P). As per the policy, such cases must be placed before the Condonation Board. In this case, that procedure was duly followed. The Board, comprising multiple

officers including a Specialist Medical Officer, examined the case and did not recommend the applicant for further extension based on his medical condition.

12. Once an expert body like the Condonation Board, after due evaluation, finds an applicant medically unfit, this Tribunal, in the exercise of its statutory power of judicial review cannot substitute its view or sit in appeal over such expert opinion.

13. We find that the respondents have considered the applicant's case strictly in accordance with the policy and the decision to deny further extension is based on an objective medical assessment. No error or arbitrariness is found in their action.

14. Finding no merit in the applicant's case, the OA is dismissed accordingly.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[REAR ADMIRAL DHIREN VIG]
MEMBER (A)