

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

25.

OA 3182/2025 WITH MA 4685/2025

Air Marshal Shankar Subramanian	Applicant
Versus		
Union of India & Ors.	Respondents
For Applicant	:	Mr. S S Pandey, Advocate
For Respondents	:	Mr. Neeraj, Sr. CGSC
		Mr. Rudra Paliwal, Advocate

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

ORDER
07.10.2025

Heard on the question of admission.

2. Issue notice both on MA and OA. Mr. Neeraj, learned Sr. CGSC appearing for the respondents, accepts notice. Let a detailed counter affidavit be filed within four weeks.

3. A prayer for interim relief is made to the effect that the order passed on 26.09.2025 which is impugned in this application, be not given effect to till disposal of this application and further a prayer is made in MA 4685/2025 filed on 06.10.2025 to the effect that necessary direction may be issued to the respondents for restoring status quo ante as it existed on 30.09.2025 with further direction to place the applicant in officiating capacity to function as DGMS (Army).

4. Even though, elaborate arguments were advanced by both the parties for and against the grant or otherwise of interim relief, we are of the considered view that once the impugned order has been given effect to and respondent No.4 has taken charge on the promoted post, without going through the records and evaluating the facts on the basis of a reply to be filed by the respondents, grant of interim relief at this stage is not proper. Accordingly, we direct that the promotion of respondent No.4 and his joining on the promoted post shall be provisional and subject to final decision of this application.

5. Therefore, in view of the above, we are not inclined to stay the impugned action/order for the present.

6. We further note that the Union of India has been made a party through the Secretary, DMA, the Union of India be made party through the Secretary, Ministry of Defence and instead of the Chief of Air Staff-respondent No.2, the Chief of the Army Staff be made party. Learned counsel for the applicant is directed to amend the Memo of Parties during the course of the day.

7. On filing of process fee within a period of one week, notice shall also be issued to respondent No.4.

8. Respondents are directed to keep all the relevant records with regard to the issue in question present for perusal of this Tribunal on the next date.

9. List the matter on **19.11.2025**.

10. A copy of this order be provided ***DASTI*** to learned counsel for the parties.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[REAR ADMIRAL DHIREN VIG]
MEMBER (A)

Neha
OA 3182/2025