

(2022) 02 AFT CK 0003
In the Armed Forces Tribunal
Case No : OA 2604 Of 2021

901219 Sgt Rohit Chauhan

APPELLANT

Vs

Union Of India & Ors

RESPONDENT

Date of Decision : 11-02-2022

Acts Referred:

Armed Forces Tribunal Act, 2007 — Section 14

Citation : (2022) 02 AFT CK 0003

Hon'ble Judges : Sunita Gupta, Member (J); Vice Admiral P. Murugesan,
Member (A)

Bench : Division Bench

Advocate : Manoj Kumar Gupta, Satya Ranjan Swain

Final Decision : Disposed Of

Judgement

//////////

1. By this Application, filed under Section 14 of the Armed Forces Tribunal Act, 2007, the applicant has prayed for the following reliefs :-" ,//////////

A. To set aside the Impugned Orders dated 08 Dec 2020 & 21 Oct 2021 rejecting the grant of extension of service beyond 31 Dec 2021;" ,//////////

B. Direct the Respondents to grant further extension of service for 3 years to the applicant as he is presently in a FIT Med Cat.,//////////

C. Direct the Respondents to extend service tenure of the Applicant by 03 years in light of the fact that similar individuals including Sgt Nahak Clk GD and Sgt Menna,//////////

CLK/GD were given extension of service in the last month of their respective engagement; and/or,//////////

D. Any other suitable order or such relief as appropriate to the facts and circumstances of the Case based on the merit of the case and in the interest of

justice may be,,,,,,,,,,,,,,,,,,,,,

passed.â??,,,,,,,,,,,,,,,,,,,,,,

BRIEF FACTS OF THE CASE:,,,,,,,,,,,,,,,,,,,,,

2. The applicant was enrolled in the Indian Air Force on 19.12.2001 for an initial term of Regular Engagement (RE) of 20 years in the trade of Indian,,,,,,,,,,,,,,,,,,,,,

Air Force Police and been posted to various Air Force Units. As his initial RE is expiring on 18.12.2021, he applied for extension of engagement for 03" ,,,,,,,,,,,,,,,,,,,,,,

years as per the guidelines mentioned in AFO No.21/2014. But, the same was rejected due to his Disability of Obesity and being in Low Medical",,,,,,,,,,,,,,,,,,,,,,

Category of A4G4(P). Accordingly, discharge order was issued by the respondents vide RO/2504/2/RW (Dis) dated 22.12.2020, promulgating the" ,,,,,,,,,,,,,,,,,,,,,,

date of discharge as 31.12.2021.,,,,,,,,,,,,,,,,,,,,,,

3. The applicant states that he reduced his weight by 25 kg in 5 months and then appeared for Medical Re-categorization in June 2021, wherein he" ,,,,,,,,,,,,,,,,,,,,,,

was upgraded to Medical Category A4G2 (P) for obesity from his previous Medical Category A4G4(P). He further states that based on fresh,,,,,,,,,,,,,,,,,,,,,

Medical Board, his application dated 11 July 2021 for reconsideration for extension of engagement has also been rejected by the respondents as" ,,,,,,,,,,,,,,,,,,,,,,

conveyed vide order dated 21st October 2021 (Annexure A-I of the Paper Book) without assigning any reason. Hence, he filed this OA." ,,,,,,,,,,,,,,,,,,,,,,

ARGUMENTS BY APPLICANT:,,,,,,,,,,,,,,,,,,,,,

4. Learned Counsel for the Applicant submitted that the applicant applied for extension of service by 3 years i.a.w. existing regulations on the subject.,,,,,,,,,,,,,,,,,,,,,,

It is submitted that the applicantâ??s request was rejected vide impugned order dated 08.12.2020 on the grounds of â??Disability of Obesity.â??,,,,,,,,,,,,,,,,,,,,,,

Since the respondents rejected the extension of service for the applicant on the grounds of low medical category due to 'Obesityâ?? the applicant,,,,,,,,,,,,,,,,,,,,,

worked hard to reduce his weight even without opting for pre-release course, which he is, otherwise, entitled to opt during the last year of service to" ,,,,,,,,,,,,,,,,,,,,,,

prepare himself for a new career after his retirement. It is submitted that after

successfully reducing his weight through dedicated efforts, the",,,,,,,,,,,,,,
applicant improved his medical category to A4G2 (P), which is an acceptable
medical category for grant of service extension. However, the",,,,,,,,,,,,,,
applicant's second request for extension of service period has also been
rejected vide the impugned letter dated 21.10.2021 with a cryptic,,,,,,,,,,,,,
reasoning of "Discharge order issued earlier stands good.",,,,,,,,,,,,,,

5. The learned counsel submitted that the applicant's first request for
extension of service was rejected for the disability of obesity in low
medical,,,,,,,,,,,,,

category of A4G4 (P), which he conceded as valid reason as A4G4(P) not
acceptable medical category for grant of service extension. However,
the",,,,,,,,,,,,,,

applicant's second request for service extension even after improving his
medical category to A4G2 (P) has also been rejected for the same,,,,,,,,,,,,,
reason of "Obesity" vide the impugned letter dated
21.10.2021,,,,,,,,,,,,,

6. The learned counsel for the applicant relied upon the Policy framed by the
respondents vide AFO 21/2014. Para 3 of the said Policy reads as
under,,,,,,,,,,,,,

"3. This policy has been formulated to ensure that only those airmen who
meet the criteria are allowed to extend their engagement. An airman who
is,,,,,,,,,,,,,

consistent in his overall performance and willing for extension of engagement
may be granted extension of engagement, which is governed by the
following",,,,,,,,,,,,,,

principles:,,,,,,,,,,,,,

(a) Service Requirement (As per guidelines formulated from time to time with
the approval of ACAS(PA&C)),,,,,,,,,,,,,,

(b) Willingness for Extension of Engagement.,,,,,,,,,,,,,,

(c) " Passing of Promotion Examinations/Training Courses.,,,,,,,,,,,,,,

(d) " Appraisal Reports for the last seven years.,,,,,,,,,,,,,,

(e) " Medical Fitness.,,,,,,,,,,,,,,

(f) " Conduct Records.,,,,,,,,,,,,,,

(g) " Suitability for Extension.,,,,,,,,,,,,,,

(h) " Certificate of Undertaking (CoU)",,,,,,,,,,,,,,

7. The learned counsel for the applicant has submitted that the applicant meets all the criteria stipulated in the Policy letter; the only other reason for,,,,,,,,,,,,,

the rejection of service extension could be Conduct Sheet as he had incurred a red ink entry in the year 2017. It is submitted that there is not a single,,,,,,,,,,,,,

word about applicant's conduct mentioned in the impugned orders for the denial of extension of service. It is submitted that respondents indicated,,,,,,,,,,,,,

the reason for rejection as "in terms of Para 4(E)(III) of AFO 21/2014 due to disability of obesity in compliance with AOP Directive,,,,,,,,,,,,,

01/2017", vide impugned order dated 8.12.2020.",,,,,,,,,,,,,

8. The learned counsel for the applicant submitted that the applicant was awarded punishment of "Red Ink Entry" on 6.10. 2017 for a minor,,,,,,,,,,,,,

offence, namely, not saluting his superior officer properly. It is submitted that the applicant did not fail to salute; but, the superior officer perceived as",,,,,,,,,,,,,

being not properly saluted by the applicant. The applicant has not committed a major offence such as involving moral turpitude so as to deserve,,,,,,,,,,,,,

rejection of further extension of service, which he otherwise legitimately deserves. It is further submitted that as per policy, a candidate can be",,,,,,,,,,,,,

granted service extension even if one or more Red or more than one Black entry endorsed during the last five years of service before the expiry of,,,,,,,,,,,,,

RE, can be considered based on individual merit provided the offences for which punishment entries awarded are not for offences involving moral",,,,,,,,,,,,,

turpitude.,",,,,,,,,,,,,,

9. Learned Counsel for the Applicant further pointed out the excellent performance remarks on the applicant by his superior officers of the present,,,,,,,,,,,,,

unit while recommending his name for grant of service extension. The performance remarks on the applicant by the present unit has been cited by the,,,,,,,,,,,,,

counsel for the applicant to highlight his commendable character and efficiency observed by his superiors, which read as follows",,,,,,,,,,,,,

"(I) Remarks by Section Commander,",,,,,,,,,,,,,

The SNCO possessed a very good professional knowledge. He is enthusiastic and hard working. He willingly shoulder additional responsibility assigned to him.,,,,,,,,,,,,,,

With regard to his Medical Conditions he set an example by reducing such a weight in a very short time and upgrade his medical category.,,,,,,,,,,,,,,

His case may be considered favourably for extension of service.,,,,,,,,,,,,,,

Sd/- xx.,,,,,,,,,,,,,,

Â (H Vaiphei),,,,,,,,,,,,,,

Sqn Ldr.,,,,,,,,,,,,,,

Stn Sec Offr.,,,,,,,,,,,,,,

35 Wg. AFâ??.,,,,,,,,,,,,,,

â??(ii) Remarks by Branch Head.,,,,,,,,,,,,,,

SNCO has displayed great dedication in last six months as the SNCO extension was not agreed due to the reason of obesity at that time he was weighing 114 Kg.,,,,,,,,,,,,,,

in six months he has reduced his weight to 89 Kg this speaks volume at his dedication of air warrior.,,,,,,,,,,,,,,

Strongly recommended/Forwarded.,,,,,,,,,,,,,,

Sd/-.,,,,,,,,,,,,,,

(Vikas Sharma),,,,,,,,,,,,,,

Gp Capt.,,,,,,,,,,,,,,

C Adm O.,,,,,,,,,,,,,,

35 Wing, AF."",,,,,,,,,,,,,,

III. Remarks by AOC 35 Wing AF.,,,,,,,,,,,,,,

*1. The air warrior was enrolled in IAF on 19 Dec 2001 and completing his present term of engagement on 18 Dec 21. He applied for further extension of.,,,,,,,,,,,,,,

service for 03 year through EXOL on 10 Feb 21. He was in medical category A4G4(P) (Composite for Primary Hypertension - A4G2(P) and Obesity A4G4(P) at.,,,,,,,,,,,,,,

the time of applying for extension of service. On the basis of his medical category A4G4(P) (for Obesity) AFRO has turned down his request for extension of.,,,,,,,,,,,,,,

service and released discharge order vide RO/2504/RW (Dis) dated 22 Dec 2020

and DO list No. 230/2020. Now, as he considerably reduced his body weight a",,,,,,,,,,,,,,

fresh medical board was conducted in the month of Jun 2021 and his medical category was upgrade from A4G4(P) (Composite) to A4G2(P). This reduction of,,,,,,,,,,,,,

weight took some months due to which he was not able to apply for reconsideration in time.,,,,,,,,,,,,,,

2. Current medical category of Sgt Rohit Chauhan is A4G2(P) only for primary hypertension and he do not have,,,,,,,,,,,,,

any kind of restriction which can or will hamper/restrict his performance towards the organization. Further he is performing SNCO IC QRT duties which,,,,,,,,,,,,,

require physical fitness and tactical knowledge to execute his tasks like training and supervising QRT teams not only in day to day activities but in exercises,,,,,,,,,,,,,

and contingencies.99,,,,,,,,,,,,,

Sd xxxx,,,,,,,,,,,,,

Air Cmde,,,,,,,,,,,,,

AOC,,,,,,,,,,,,,

35 Wing AF,,,,,,,,,,,,,

11. The learned counsel for the applicant, therefore, submitted that with such excellent performance reports the applicant fully meets all the",,,,,,,,,,,,,,

parameters laid down by the respondentsâ?? policy and therefore prayed for quashing of the impugned orders dated 8th December 2020 and 21st,,,,,,,,,,,,,

October 2021 and grant 3 years of service extension.,,,,,,,,,,,,,,

12. Further, in support of his claim for extension of service, the learned counsel for the applicant relied upon the following judgments",,,,,,,,,,,,,,

(a) Â Judgment dated 13 May 2014 in OA No.317/2013 in the matter of JWO Mukesh Kumar vs. UOI.,,,,,,,,,,,,,,

(b) DS Nakara vs. UOI (1983) 1 SCO 305 Judgment dated 17.12.1982.,,,,,,,,,,,,,,

(C) Judgment & Order dated 2.9.2011 delivered by AFT Guwahati in Lt Col GCL Arokiadas in TA No. 14 of 2010.,,,,,,,,,,,,,,

13. Moreover, the learned counsel for the applicant has also cited two similarly

placed cases i.e. (1) Sgt Nahak Clk GD of HQ EAC, IAF and (2) Sgt",,,,,,,,,,,,,,

SK Meena CLK/GD, who have been given extension of service on their last leg of service." ,,,,,,,,,,,,,,

ARGUMENTS BY RESPONDENTS:,,,,,,,,,,,,,

14. The learned counsel for the respondents submitted that the applicant submitted his willingness for extension of service for 3 years on 10.2.2020.,,,,,,,,,,,,,,

His case was examined by the competent authority and the service extension was not approved and the same was communicated to the applicant on,,,,,,,,,,,,,

8.12.2020. Learned counsel has drawn our attention to Para 4(e)(v) page 23 of IAF Policy Letter dated 30th July 2014 (Annexure A2). It reads as,,,,,,,,,,,,,
under,,,,,,,,,,,,,

â??4(e)(v) On up gradation of medical category of an airman rejected earlier, the case may be reconsidered for extension of service by Condonation Board" ,,,,,,,,,,,,,,

subject to receipt of application for re-consideration of grant of extension from the individual, duly recommended by the AOC/Stn Cdr/CO.â??" ,,,,,,,,,,,,,,

15. Further, the learned counsel for the respondents drew our attention to Para 4(f) regarding Conduct Sheet in the same Air Force Policy Letter" ,,,,,,,,,,,,,,
dated 30th July 2014. It reads as follows:-,,,,,,,,,,,,,

â??f) Conduct Sheet. Extension of engagement will be granted to airmen who are suitable for retention and amenable to service discipline subject to meeting,,,,,,,,,,,,,

eligibility criteria. Airmen who have been declared as Habitual/Potential Habitual Offenders during eight years preceding the date of RE expiry will not be,,,,,,,,,,,,,

granted extension of engagement. However, grant of extension of engagement in respect of airmen who have not been categorized/declared Potential Habitual" ,,,,,,,,,,,,,,

Offenders but have incurred one or more Red or more than one black punishment entries in the preceding five year of the expiry of their current RE period will,,,,,,,,,,,,,

be considered on individual merit provided the offences for which punishment entries awarded are not for offences involving moral turpitude.""" ,,,,,,,,,,,,,,

16. Learned counsel for the respondents submitted that the applicant's case was decided as per the individual merit and as per the Air Force Note on,,,,,,,,,,,,,

the candidate prepared for the Board and rejected by the competent authority,,,,,,,,,,,,,

17. He further submitted that there were two red and two black entries in the conduct sheet of the applicant. He referred to paras 11,12 and 13 of the",,,,,,,,,,,,,

said Candidate's Note prepared by the Department for placing before the competent authority. They are reproduced below:-,,,,,,,,,,,,,

11. Offences committed by the SJVCO in totality relates to violation of Good Order of Air Force Discipline, Neglecting to obey Orders and using threatening",,,,,,,,,,,,,

language to superior officer, which shows his indiscipline code of conduct in service. The air warrior belongs to the IAF(P) trade who is responsible to",,,,,,,,,,,,,

safeguard not only the physical assets of the organization but also the moral fiber. However, from the conduct entries it is evident that individual acts are",,,,,,,,,,,,,

unbecoming conduct for a IAF (P) tradesmen. Specialist Officer of the SNCO has given favourable remarks on the application for extension of service,,,,,,,,,,,,,

considering his present performance. Presumably, he has not considered the conduct entries of the individual.",,,,,,,,,,,,,

12. Retaining such air warrior who does not adhere to Air Force discipline shall not be in the interest of organization. Moreover, individual has applied for",,,,,,,,,,,,,

his initial spell of extension of engagement. According to his request for extension of service now will set a wrong precedence and may lead to setting improper,,,,,,,,,,,,,

example especially for juniors to emulate,,,,,,,,,,,,,

Recommendation,,,,,,,,,,,,,

13. In view of facts brought out in preceding paragraphs, grant of extension of engagement to 901219-B Sgt Rohit Chauhan IAF(P) for a period of three years",,,,,,,,,,,,,

wef 19 Dec 21 is not recommended.",,,,,,,,,,,,,

18. The proceedings of the Condonation Board being confidential, the same were

not included in the counter-affidavit by the respondents.
However," ,,,,,,,,,,,,,,

learned counsel submitted that the relevant file containing the results of the
Condonation Board would be placed before the Bench for perusal
which,,,,,,,,,,,,,

were subsequently sent in a sealed cover.,,,,,,,,,,,,,,

19. Learned counsel for the respondents in conclusion stated that no assurance
was given to the applicant at any stage stating that service
extension,,,,,,,,,,,,,

would be given if obesity is reduced. The applicant's case was considered by
the Board on merit along with other candidates for service
extension,,,,,,,,,,,,,

for arriving at the final decision. In any case, grant of extension in service is not
a matter of right." ,,,,,,,,,,,,,,

20. The learned counsel for the respondents relied upon an Order dated
16.3.2018 in OA 347/2018 in the matter of Sgt R N Behera vs. Union of
India,,,,,,,,,,,,,

& Ors. and submitted that in similar facts of the case, that application was
dismissed by this Tribunal." ,,,,,,,,,,,,,,

ANALYSIS OF COURT:,,,,,,,,,,,,,

21. Heard the learned counsel for both parties and perused the documents on
record.,,,,,,,,,,,,,,

22. The question before us is whether the applicant with one Red ink entry
during the last five years of service and in an acceptable Medical
Category,,,,,,,,,,,,,

Date of Enrolment,19 Dec 01,,,,,,,,,,,,,

Date of Enrolment,19 Dec 01,,,,,,,,,,,,,

Date of present Regular Engagement (RE),18 Dec 21,,,,,,,,,,,,,

expiry,,,,,,,,,,,,,

expiry,,,,,,,,,,,,,

Total service,+ 19 years,,,,,,,,,,,,,

Total service,+ 19 years,,,,,,,,,,,,,

Willingness/Unwillingness submitted with

date",Submitted willingness for ACM BOO XXV on,,,,,,,,,,,,,

,10 Feb 20. His case was considered in,,,,,,,,,,,,,
,Condonation Board 18/2020 as he was in LMC,,,,,,,,,,,,,
,A4G4. His case was not approved in the,,,,,,,,,,,,,
,condonation board,,,,,,,,,,,,,
,Red : Two Black :,,,,,,,,,,,,,
Total number of entries in his conduct sheet,Â Two Admin entry :,,,,,,,,,,,,,
(covering the entire Service period),,,,,,,,,,,,,,
(covering the entire Service period),Nil,,,,,,,,,,,,,
Total number of entries incurred by the,"Red : One
Awarded Severe Reprimand" ,,,,,,,,,,,,,,
,,,,,,,,,,,,,
airman during the preceding five years from,,,,,,,,,,,,,
RE expiry,,,,,,,,,,,,,
,by AOC,,5,,Wing on,06 Oct 17,for the,,,,,,,,,,,,,
,following:-,,,,,,,,,,,,,
,following:,,,,,,,,,,,,,
,"(a) On 07 Sep 17 at about 0700,h while",,,,"On 07 Sep 17 at about 0700,h
while",,,,,,,,,,,,,,
,performing duties of Desk SNCO at Main,,,,,,,,,,,,,
,,,,,,,,,,,,,
,"Guard Room, saluted very casually without",,,,,,,,,,,,,,
,,,,,,,,,,,,,
,getting up when approached by Fit Lt Beniwal,,,,,,,,,,,,,
,,,,,,,,,,,,,
,OIC QRT of the day and replied â??SALUTE,,,,,,,,,,,,,
,,,,,,,,,,,,,
,KAR TO DIYAâ? with anger and irritation,,,,,,,,,,,,,
,when inquired about saluting,,,,,,,,,,,,,
,when inquired about saluting,,,,,,,,,,,,,
,(b) On 07 Sep 17 at about 0705 h when Fit Lt,On 07 Sep 17 at about 0705 h

when Fit Lt,,,,,,,,,,,,,,,,,,,,,

,A Beniwal asked him to give service,,,,,,,,,,,,,,,,,,,,,

,,,,,,,,,,,,,,,,,,,,,

,"particulars, refused to furnish and replied",,,,,,,,,,,,,,,,,,,,,

,,,,,,,,,,,,,,,,,,,,,

,â??SERVICE NUMBER NAHI DUNGAâ? and,,,,,,,,,,,,,,,,,,,,,

,left without permission and saluting,,,,,,,,,,,,,,,,,,,,,

,left without permission and saluting,,,,,,,,,,,,,,,,,,,,,

Medical Category,A4G2(P),,,,,,,,,,,,,,,,,,,,,,

Medical Category,A4G2(P),,,,,,,,,,,,,,,,,,,,,,

Promotion Exam,Passed,,,,,,,,,,,,,,,,,,,,,

Promotion Exam,Passed,,,,,,,,,,,,,,,,,,,,,

Whether meeting assessment criteria,Yes (AA),,,,,,,,,,,,,,,,,,,,,,

Whether meeting assessment criteria,,,,,,,,,,,,,,,,,,,,,

PRC/VTC,Not detailed,,,,,,,,,,,,,,,,,,,,,

PRC/VTC,Not detailed,,,,,,,,,,,,,,,,,,,,,

Recommendations at unit level,"Recommended by Specialist Officer and
AOC 35 Wing." ,,,,,,,,,,,,,,,,,,,,,,

,Ser,,,RANK,,,NAME,,,,,,,,,TRADE,,,UNIT,,

,No,,,,,,,,,,,,,,,,,,,,,

,628645,,,JWO,,SADHU SINGH,,,,,,,,,IAF (P),,,,23 WG,

,686821,,,JWO,,,ARDHENDU KUMAR BERA,,,,,,,,,RDO FIT,,,42 WG,

,699085,,,JWO,,SUBHASH PRASAD,,,,,,,,,MT FIT,,,HQ M,C

,703254,,,NM,O,VIJAY KUMAR SINGH,,,,,,,,,EQPT ASST,,,26 ED,

,703271,,,JWO,,BRAJ KUMAR SINGH,,,,,,,,,ACH GD,,,HQ ID,S

703723,703723,,,SGT,SGT,,,NM PRASAD CHAURASIA,,,,,,,,,CAT ASST,CAT
ASST,,,AFAC,

,,,,,,,,NM PRASAD CHAURASIA,,,,,,,,,COIMBATORE,

,739659,,,SGT,,,JAWAHAR LAL THAKUR,,,,,,,,,CLK GD,,,10 WG,

,744396,,,SGT,,,D SATISH KUMA,,,R,,,,RAD FI,T,,,3 SQN,

,771366,,,,SGT,,MANOJ KUMAR LAL,,,,,,,,ACH GD,,,,,25 ED,
,,,,,,,,MANOJ KUMAR LAL,,,,,,,,ACH GD,,,,,
,791965,,,,JWO,,,ASHOK KUMAR,,,,,,,,RDO FIT,,,,,787 SU,
,901219,,,,SGT,,,ROHIT CHAUHAN,,,,,,,,,IAF (P),,,,,35 WG,

competent authority rejected the service extension on the grounds of Conduct Sheet; but, intimated to the applicant vide the impugned order dated" ,,,,,,,,,,

21.10.2021 as â??Discharge Order issued earlier stands goodâ?. However, the earlier discharge order dated 8.12.2020 was issued citing the" ,,,,,,,,,

reason of â??Disability of Obesityâ?? which no longer subsists.,,,,,,,,,

32. Thus, there seems to be a contradiction between the Condonation Board result and the reason for Â mentioned in the discharge order dated" ,,,,,,,,,

21.10.2021. We also observed that the applicantâ??s conduct sheet within the previous five years falls within the parameters of the policy letter,,,,,,,,,

dated 30.7.2014. However, the competent authority has rejected the service extension even after the recommendation of the Condonation Board for" ,,,,,,,,,

grant of service extension.,,,,,,,,,

33. We are conscious of the fact that the applicant, being from the trade of IAF Police, ought to have demonstrated even better performance in the" ,,,,,,,,,

service as a disciplined Airman. He should not have given an opportunity to incur Red Ink entry by not properly saluting his superior officer. We do,,,,,,,,

agree that this act is an incorrect behavior by a Police Personnel who is required to enforce discipline in the service. At the same time, we are also of" ,,,,,,,,,

the opinion that the offence of improperly saluting a superior officer is not an offence involving moral turpitude preventing grant of service extension.,,,,,,,,,

34. It is also true that grant of extension of service is not a matter of right, however, we have observed certain inconsistencies in the entire process of" ,,,,,,,,,

consideration of the applicantâ??s name for grant of service extension vis-a-vis his demonstrated performance as highlighted by the applicantâ??s,,,,,,,,

Unit in the Justification Report for the grant of service extension.,,,,,,,,,

35. As a result, in the interest of justice, we deem it appropriate to remit the case of the applicant to the respondents for undertaking a reconsideration",,,,,,,,,,,,,,

of the case by taking into account all relevant policy parameters on the subject and the demonstrated performance of the applicant as found in the,,,,,,,,,,,,,,,,,

Justification Reports initiated by the Air Force Unit for the grant of service extension. Further, respondents are directed to intimate the outcome of the",,,,,,,,,,,,,,,,,,

reconsideration to the applicant by a Speaking Order within 4 weeks from the date of receipt of a copy of this Order. Till the passing of the,,,,,,,,,,,,,,,,,

speaking order and communicating the same to the applicant he be not discharged from service.,,,,,,,,,,,,,,,,,,

36. As a result, we find there is no further necessity to go into the examination of the case laws cited by both parties and also get into the details of",,,,,,,,,,,,,,,,,,

Prayer '1' of the applicant about similarly placed Airmen having been given service extension.,,,,,,,,,,,,,,,,,,

37. Accordingly, OA 2604/2021 is disposed of with directions as mentioned in Para 35 above. Pending applications, if any, also stand disposed off. No",,,,,,,,,,,,,,,,,,

costs.,,,,,,,,,,,,,,,,,,

38. Pronounced in open Court on this 11th day of February 2022.,,,,,,,,,,,,,,,,,,