

**COURT NO. 1, ARMED FORCES TRIBUNAL**  
**PRINCIPAL BENCH, NEW DELHI**  
**(Through Video-Conferencing)**

2.

**OA 2059/2021**

**In the matter of :**

**Wg Cdr SS Gehlot**

**... Applicant**

**Versus**

**Union of India & Ors.**

**... Respondents**

**For Applicant : Shri Ankur Chhibber, Advocate**

**For Respondents : Shri Anil Gautam, Advocate**

**CORAM :**

**HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON**  
**HON'BLE LT GEN P.M. HARIZ, MEMBER (A)**

**O R D E R**  
**05.01.2022**

Challenging the order, Annexure A-1 dated 06.08.2021, passed by the Competent Authority in the Air Headquarters (Air HQ) deciding the complaint said to have been filed by the applicant under Section 27 of the Air Force Act, 1950, this application has been filed under Section 14 of the Armed Forces Tribunal Act, 2007.

2. It is the case of the applicant that under Section 27 of the Air Force Act, remedy is available to an aggrieved officer to file an application for redressal of his grievance by way of a complaint to the Central Government. Grievance of the applicant is that in the present case, the complaint filed by him was never forwarded to the Competent Authority, that is, the Central Government, instead it has been decided by the Air HQ

and, therefore, placing reliance on a judgement rendered by a Coordinate Bench of this Tribunal on 06.10.2017 in **O.A. No. 965 of 2016** [**Wg Cdr A.K. Ahlawat Vs. Union of India & Ors.**] followed by another Coordinate Bench on 14.08.2020 in **O.A. No. 786 of 2020** [**Gp Capt Vinay Sareen Vs. Union of India & Ors.**], it is argued that the impugned action is unsustainable and the complaint of the applicant should be forwarded to the Central Government for consideration after quashing the impugned order.

3. Respondents have refuted the aforesaid and bring to our notice the provisions of Section 27 of the Air Force Act, the Regulations framed for the Air Force, particularly Regulation 622, the delegation of power contained to the Ministry of Defence letter dated 14.08.2001 and by referring to Section 27 of the Air Force Act, it is argued that a complaint under Section 27 has to be decided by the Central Government in such manner as may from time to time be specified by the proper authority. It is argued that by virtue of the powers conferred on the proper authority i.e. Central Government, the Air Force Regulations of 1964 have been formulated based on which, Air Force Order 05/2008 (AFO 05/2008) has also been issued and by referring to Para 2 and 9 of the AFO 05/2008 and Para 622 of the Regulations for the Air Force, it was argued that as the complaint in this case has been decided in accordance to the

procedure laid down in Regulation 622, which aspect has not been considered by the earlier Benches of the Tribunal in the case of *Wg Cdr A.K. Ahlawat* and *Gp Capt Vinay Sareen (supra)*, the matter has to be considered in its proper prospective and a decision taken.

4. Shri Chhibber refuted the aforesaid and argued that the effect of the Regulation 622(b) was considered by the Bench of this Tribunal in the case of *Wg Cdr A.K. Ahlawat*, and in Para 4, similar arguments made have been overruled vide Para 7, that being so, the contention of the respondents has to be rejected.

5. We have considered various aspects of the matter and we find that under Section 27 of the Air Force Act, remedy of an aggrieved officer who feels that he has been wrongly dealt with by his commanding officer or his superior officer is laid down in Section 27 of the Air Force Act, which reads as under :

***“27. Remedy of aggrieved officers.—Any officer who deems himself wronged by his commanding officer or any superior officer and who on due application made to this commanding officer does not receive the redress to which he considers himself entitled, may complain to the Central Government in such manner as may from time to time be specified by the proper authority.”***

***[Emphasis supplied]***

A perusal of the aforesaid section shows that an officer who deems himself wronged by his commanding officer or any superior officer and when on due application made to the

commanding officer does not receive the redress to which an officer considers himself entitled, may complain to the Central Government in such manner as may from time to time be specified by the proper authority.

6. *Prima facie*, from the material available on record, we find that the manner for proceeding with the complaint filed under Section 27 of the Air Force Act has been specified by the Central Government by virtue of Regulation 622 and AFO 05/2008 and it is the case of the respondents that based on the delegation of powers made by the Central Government on 14.08.2001, the complaint of the applicant has been processed and a decision taken. We find that this aspect of the matter has not been specifically considered or dealt with by the Benches of Tribunal while deciding the cases of *Wg Cdr A.K. Ahlawat* and *Gp Capt Vinay Sareen (supra)*, particularly with reference to the import and meaning of the words “***in such manner as may from time to time be specified by the proper authority***”. As the issue has to be considered in light of the various submissions which have been made before us based on the correct meaning of Section 27 with particular reference to the procedure prescribed or the procedure laid down in AFO 05/2008 and Regulation 622, we deem it appropriate to place the entire matter before the Hon’ble Chairperson on the administrative side to consider referring the

matter to a Larger Bench for consideration of the issues involved in the matter with regard to the correct interpretation of the provisions of Section 27 and the procedure to be followed as canvassed by the respondents in the matter of deciding a complaint under Section 27 of the Air Force Act.

7. Accordingly, we direct the office to place the matter before the Hon'ble Chairperson on the administrative side for considering referring of the matter to a Larger Bench.

**[JUSTICE RAJENDRA MENON]**  
**CHAIRPERSON**

**[LT GEN P.M. HARIZ]**  
**MEMBER (A)**

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