

**ARMED FORCES TRIBUNAL, REGIONAL BENCH,  
LUCKNOW****Original Application No. 152 of 2015**

Wednesday, this the 14<sup>th</sup> day of October 2015

**Hon'ble Mr. Justice D.P. Singh, Member (J)**  
**Hon'ble Air Marshal Anil Chopra, Member (A)**

Group Captain Chandra Prakash Pant  
(16595-K) F (P) son of Shri Devendra Prakash Pant, serving  
with Ops Branch, HQ CAC, IAF, Bamrauli, Allahabad (UP)

.....Applicant

Ld. Counsel for : **Shri R. Chandra, Advocate**  
the Applicant

Versus

1. Union of India, Through the Secretary, Ministry of Defence, Government of India, NEW DELHI.
2. The Chief of the Air Staff, Air Headquarters (Vayu Bhawan) Rafi Marg, New Delhi-110011
3. Dte of Pers ((O)/PO-3(C), Air Headquarters (VB) New Delhi-110106
4. Commanding Officer, HQ CAC (U) IAF, Bamrauli, Allahabad (UP)

.....Respondents

Ld. Counsel for the : **Shri Mukund Tewari,**  
Respondents **Central Govt. Counsel**  
**assisted by Wg. Cdr. S.K. Pandey,**  
**Departmental Representative for the**  
**Respondents.**

**ORDER (ORAL)**

1. Heard Ld. Counsel for the parties and perused the records.
2. The applicant has been discharged from Air Force by impugned order dated 21.05.2015 with effect from 30.11.2015. The retirement order has been passed keeping in view Para 11 (d) of AFO 35/99. According to applicant's Ld. Counsel in the Air Force those who has been assigned duties in the flying branch are retired in the age of 54 years but those who are posted at ground are retired on attaining the age of 57 years.
3. According to Ld. Counsel for the applicant the matter is in process with the Govt. to provide equal retirement age to both the categories of Air Force Personnel. However, the fact remains that till date no policy decision has been taken or any order has been issued for equal age of retirement. Merely on presumptions or in view of the fact that the matter is pending before the govt, no case for interference is made out. The O.A. has been preferred at premature stage.
4. Accordingly we reject the O.A. with liberty to the applicant to approach the tribunal afresh in case there is any change in policy before 31.11.2015.
5. No order as to costs.

**(Air Marshal Anil Chopra)**  
**Member (A)**

ukt

**(Justice D.P. Singh)**  
**Member (J)**