



2026:DHC:4483-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Date of Decision: 19.05.2026***

+ **W.P.(C) 6952/2026**

CPL SACHIN KUMAR SOLANKI (RETD)Petitioner

Through: Mr. Manoj Kumar Gupta, Ms.
Esha Mehrotra, Ms Devangana
Sharma, Advs.

versus

UNION OF INDIA & ORS.Respondent

Through: Mr. P. S Singh CGSC, Mr.
Rajneesh Kumar Sharma, Ms.
Shivangi Sharma, Mr. Aditya
Tomar, Mr. Mrityunjay Singh,
Ms. Sakshi Raghav G.P, SGT
Anil Vashisth for UOI.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

J U D G M E N T (O R A L)

AMIT MAHAJAN, J.

**CM APPL. 34213/2026 [*exemption from filing certified, dim, typed
and legible copies of the annexures accompanying with present writ
petition*]**

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

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3. The present writ petition, filed under Article 226 of the
Constitution of India, assails the impugned order dated 17.10.2025



passed by the learned Armed Forces Tribunal, Principal Bench, New Delhi (hereinafter “**Tribunal**”) in OA No. 331/2018 whereby the challenge laid by the Petitioner to his *removal from service* came to be rejected. The Petitioner further seeks setting aside of the Speaking Order dated 02.12.2017 ordering his *removal from service* along with consequential relief of reinstatement.

4. Succinctly stated, the Petitioner was enrolled in the Indian Air Force in the year 2011 as Ariman - Communication Technician and was subsequently posted at various establishments.

5. On 22.01.2017, a video was uploaded on social media (Facebook Account – with more than 2000 followers) wherein the Petitioner, while being in uniform, publicly aired grievances concerning service conditions stating disparity between officers and airmen with respect to rations, uniform facilities, travelling conditions, allowances and social treatment. The statements attributed to the Petitioner included allegations that officers enjoyed privileged treatment while “*Jawans*” suffered unequal conditions and that the system discriminated between ranks.

6. Consequent thereto, a Court of Inquiry was assembled to inquire into the circumstances relating to the uploading of the video and on 29.08.2017 the Show Cause Notice was issued, containing the following allegations:

"2. AND WHEREAS; you uploaded a video on social media on 22 JANUARY 2017 making the following allegations with respect to the service condition.

(a) Officers are getting full free rations



whereas jawans are getting only Rs.3000/- to 3500/-. This money is not enough to purchase milk and water.

(b) Officers are getting stitched uniform and are being delivered to their residence by logistics whereas jawans are not getting the same. You have not been issued with shoes for last two years from logistics.

(c) Officers are more educated for that they are getting more payment, but why difference in MSP? Officers are getting Rs.15,000/- and jawans are getting Rs. 6000/- as per 7th pay commission.

(d) While Officers proceed on T/D they are going by own car and claiming the same and staying in hotel whereas jawans are proceeding on T/D without reservation and they sit near the toilet and travel.

(e) When attending any party or function Officers family are called with Ma'am whereas jawans families are ignored and we are ashamed of taking our wives in front of Officers' wives.

(f) Government pays money for their job then why so much difference between officers and jawans. Please look into the matter;”

7. The Petitioner submitted his reply. Upon consideration of the material available, including the admission of the Petitioner, the competent authority passed Speaking Order dated 02.12.2017, ordering removal from service by observing as under: -

“ 8. AND WHEREAS; I am the Competent Authority in this case and have considered your reply to the said SCN vis-a-vis entire facts on record on merits. My views on this case are as follows: -

(a) You have aired your unsubstantiated allegations about life and style of Army and CPF on a public forum without having any knowledge about the working the said non-AF organizations thereby bringing disrepute to them.

(b) You have also brought out issues pertaining to



*IAF without mentioning such grievances even once before any AF authority. While you felt aggrieved but deliberately did choose in-house mechanism for redressal of grievances. **You have accepted to have made these allegations without verifying the same.***

*(c) **You were involved in undesirable activities, which are illegal and prejudicial to Service discipline, norms and ethos. Your acts tend to impugn your integrity and character as an airman and are unbecoming of a member of a combatant force like the IAF.***

(d) Considering your aforesaid misconducts as well as the counts of blameworthiness attached to you by the Col, it is evident that you have no respect for the disciplined way of life that is hallmark of IAF. Your misconducts (supra) have tarnished the image of the IAF and the same are also not conducive to the community living in IAF, hence your further retention in service is undesirable.

9.NOW THEREFORE; in exercise of the powers vested in me as the Air Officer Commanding-in-Chief, South Western Air Command, Indian Air Force, I hereby order removal from the service of 951230 Cpl Sachin Kumar Solanki of SWAC(U), AF, in terms of Section 20(3) of the Air Force Act, 1950 read with Rule 18 of the Air Force Rules 1969.”

(emphasis supplied)

8. The petitioner challenged the same before the learned Tribunal by filing O.A. No. 331/2018 which stood dismissed by the impugned order dated 17.10.2025. The learned Armed Forces Tribunal observed that the administrative action taken against the petitioner under Section 20(3) of the Air Force Act, 1950 read with Rule 18 of the Air Force Rules, 1969 was validly exercised as firstly, the Petitioner had admittedly recorded and uploaded a video on social media while in uniform and had publicly raised service-related grievances concerning differences between officers and airmen with regard to facilities, allowances and conditions of service, despite established internal



mechanisms being available for redressal of such grievances. The learned Tribunal further observed that the Petitioner had participated in the proceedings and had acknowledged his involvement during the inquiry, and thereafter was also issued a Show Cause Notice to which he submitted a reply before the competent authority passed the speaking order of dismissal.

9. The learned Tribunal additionally held that the Court of Inquiry was only a preliminary fact-finding exercise and that the final administrative action had been independently taken by the competent authority after considering the material on record. On the issue of proportionality, the learned Tribunal declined to interfere observing that matters concerning discipline in the Armed Forces stand on a different footing and the scope of judicial review over punishment is limited, particularly where the competent authority had formed an opinion that the petitioner's conduct was prejudicial to service discipline, contrary to service norms and detrimental to the image and ethos of the Indian Air Force. Consequently, the learned Tribunal concluded that the order of dismissal could neither be termed arbitrary nor shockingly disproportionate and that no procedural infirmity, violation of natural justice or jurisdictional error had been established so as to justify interference with the impugned administrative action.

10. Aggrieved the Petitioner has now approached this Court by way of the present petition.

11. Learned counsel for the Petitioner has limited his arguments to violation of principles of natural justice; weak mental state/



dissatisfaction and frustration of the Petitioner with the forces owing to family circumstances leading to recording of the video; the learned Tribunal has erroneously referred the Petitioner as “*Technical Officer*” and the punishment of removal from service is shockingly disproportionate.

12. *Per contra*, the learned counsel for the Respondent submits that no interference is warranted in the judgment passed by the learned Tribunal, which has already discussed all the material aspects and rendered a detailed judgment addressing all the grounds raised the Petitioner and this Court should not re-appreciate the merits and substitute its own view.

13. Submissions heard and the entire material placed on record has been perused.

14. It is a settled principle that the scope of judicial review in matters concerning military discipline is markedly limited, having regard to the special constitutional and statutory framework governing the Armed Forces and the unique requirements of command, hierarchy, discipline and operational efficiency upon which such institutions function. Courts exercising jurisdiction under Article 226 do not sit as appellate authorities over findings or punishments imposed by competent military authorities and cannot substitute their own assessment merely because another view may be possible or because a different punishment may appear more appropriate. Interference is warranted only in exceptional circumstances where the action suffers from patent illegality, *mala fides*, procedural



impropriety, violation of mandatory statutory provisions, perversity, denial of natural justice causing prejudice, or where the punishment imposed is so outrageously disproportionate as to shock the conscience of the Court. The rationale for such restraint lies in the recognition that maintenance of discipline in the Armed Forces stands on a different footing from ordinary civil employment and issues relating to service conduct, institutional ethos, obedience to command structures and preservation of morale fall primarily within the domain of military authorities possessing the requisite expertise and operational understanding.

15. Consequently, constitutional courts ordinarily defer to the satisfaction arrived at by disciplinary authorities in matters affecting military administration and refrain from reappreciating evidence, reassessing factual conclusions or undertaking comparative examination of punishments, unless a clear case of arbitrariness or manifest injustice is made out.

16. In the present case, perusal of the impugned order reflects that all the grounds raised herein and the material aspects, have already been dealt with and discussed in detail by the learned Tribunal.

17. Most importantly, it has been recorded that the foundational facts giving rise to the administrative action remain substantially undisputed. The Petitioner never disputed that the video in question was recorded by him while he was in uniform, nor is there any serious dispute regarding its subsequent upload on social media and the contents thereof concerning service-related grievances and alleged



disparities between officers and airmen. Thus, the factum of recording and dissemination of the video, which formed the basis of initiation of proceedings, stands as an admitted position. The same was also confirmed by witness No. 2 and 3 as well as the contents of the Mercy Petition filed by the Wife of the Petitioner.

18. Hence, this Court does not find fault in the observations of the learned Tribunal that the Petitioner had acted in a manner which is prohibited by various provisions of the Air Force Order 17/2015 specifically as well as Para 11 of the IAP 3903, which required the Petitioner to maintain good order and discipline as per the rules. The speaking order dated 02.12.2017 also recorded that the issue concerned public dissemination by a serving member of the Air Force of internal service grievances through social media, which is in clear violation of Paragraph 11 of Chapter VIII of IAP 3903 which requires Air Force personnel to exercise extreme caution while participating in social networking platforms and specifically restrains dissemination of service related information and AFO 17/2015 which mandates caution in social media interaction and emphasizes preservation of institutional discipline and security concerns.

19. While addressing the ground of mental incapacity of the Petitioner to understand the consequences of the action and stressful family conditions of the Petitioner, the learned Tribunal has categorically observed that the Petitioner had initially stated that he himself had uploaded the video and then tried to shift the blame by taking a stand that the video was actually uploaded by some children of his society who were using his phone. Further, the video was not



only uploaded on his Facebook account, but also got circulated on various social media platforms, which tarnished the image of the IAF and it is not conducive of a member of the forces to take an excuse of mental condition when he is bound by the Air Force Act and is expected to not act in a manner unbecoming of a man in uniform.

20. The contention of the Petitioner that the learned Tribunal erroneously referred to him as a “*Technical Officer*” instead of an airman does not, in the opinion of this Court, materially affect the ultimate conclusion reached in the matter. Irrespective of the rank held by the Petitioner, the significance lies not in his designation but in the nature of the act attributed to him. The Petitioner is equally bound by the standards of discipline, restraint and adherence to institutional mechanisms governing members of a combatant force. Public dissemination of service grievances while being in uniform, particularly through social media platforms, carries consequences extending beyond the individual concerned and has the potential to affect discipline, hierarchy, morale and institutional image.

21. It has also been urged that adequate opportunity has not been granted to the Petitioner, the record reveals that the Petitioner was specifically called upon to explain the allegations arising out of the social media post/video and was also afforded opportunity to place his defence. The Petitioner was admittedly issued a statutory Show Cause Notice and had adequate opportunity to respond wherein he admitted recording the video. Thereafter, after considering his response, the competent authority passed the speaking order dated 02.12.2017.



22. Much emphasis was placed by the Petitioner on the contention that he was not subjected to trial by Court Martial. The learned Tribunal has observed that under the Army, Navy and Air Force statutory framework, a Court of Inquiry is initially convened as a fact-finding mechanism and, where the material so warrants, the competent authority may proceed with administrative action. In the present case, the Court of Inquiry was undertaken only to ascertain the circumstances surrounding the uploading of the video on social media and the extent of the Petitioner's involvement. Significantly, the act itself stood admitted by the Petitioner and the defence sought to be projected was only with respect to the circumstances and state of mind in which such act was committed. Thereafter, the order of removal was not passed automatically on the recommendation of the Court of Inquiry but independently by the competent authority after issuance of Show Cause Notice and consideration of the Petitioner's reply.

23. The learned Tribunal has further observed that if the Petitioner intended to seek adjudication by way of Court Martial, such objection ought to have been specifically raised at the stage of reply to the Show Cause Notice. In any event, mere absence of Court Martial would not, by itself, vitiate the proceedings when the foundational facts stood admitted, the misconduct was not in dispute and the competent authority consciously exercised the statutory power of administrative action after following the prescribed procedure.

24. As regards the challenge to the proportionality of punishment, it is observed that the competent authority, upon consideration of the material on record, formed an opinion that the acts of the Petitioner



were incompatible with his continued retention in service. The speaking order specifically records that the conduct in question was illegal, prejudicial to service discipline, inconsistent with the ethos expected from a member of a combatant force and had the effect of tarnishing the image of the institution. It is further noticed therein that despite the existence of established internal mechanisms for redressal of grievances, the Petitioner chose not to avail such channels and instead resorted to public dissemination through social media.

25. Thus, the punishment cannot be said to be so outrageously disproportionate as to shock the conscience of this Court. Even otherwise, the assessment of the nature and gravity of misconduct and the corresponding penalty to be imposed falls primarily within the exclusive domain of the disciplinary authority. In exercise of powers under Article 226, this Court does not sit in appeal over the quantum of punishment nor can it substitute its own view merely because another penalty may also have been possible.

26. The reasoning adopted by the Tribunal fundamentally rests upon legality of administrative action and scope of judicial review rather than upon the status designation of the Petitioner. This Court remains conscious that matters relating to discipline, conduct and punishment within the Armed Forces fall primarily within the domain of the competent disciplinary authorities and the specialised adjudicatory mechanism. The learned Tribunal, comprising Judicial and Administrative Members with expertise in military administration and service conditions, has already examined the proportionality of the penalty and found no infirmity therein.



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27. Having considered the matter in its entirety, this Court finds no infirmity in the approach adopted by the learned Tribunal and the view adopted is a plausible view.

28. The writ petition is accordingly dismissed. Pending applications, if any, shall stand disposed of.

AMIT MAHAJAN, J

ANIL KSHETARPAL, J

MAY 19, 2026

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