



2025:DHC:1422-DB



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

Date of decision: 04.03.2025

+ W.P.(C) 2676/2025
LAUV KUMAR

.....Petitioner

Through: Mr.Rajshekhar Rao Sr. Adv.
with Mr. Kshitij Sharda along
with petitioner in person

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Mr.Amit Tiwari, CGSC with
Mr.Hussain Taqvi, GP,
Mr.Ayush Tanwar &
Ms.Ayushi Srivastav, Advs.
along with Maj Anish
Muralidhar, Army & Sub Jagat
Singh, DG Assam Rifles.

**CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE SHALINDER KAUR**

NAVIN CHAWLA, J. (ORAL)

CM APPL. 12802/2025 (Exemption)

1. Allowed, subject to all just exceptions.

W.P.(C) 2676/2025 & CM APPL. 12801/2025

2. This petition has been filed challenging the Order dated 27.02.2025 passed by the learned Armed Forces Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal'), in OA



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No. 434/2025 titled, '*Maj Lauv Kumar v. Union of India & Ors.*', modifying the *Interim* Order dated 17.02.2025 passed in the said petition, to the limited extent that while the respondents may proceed with the Court of Inquiry and complete it, however, before taking any action in the matter, they shall take leave of the learned Tribunal.

3. The learned senior counsel for the petitioner submits that the Court of Inquiry has been ordered on Anonymous/Pseudonymous complaints, which, in terms of the instructions of the Government of India by an Office Memorandum dated 09.10.2024, should have been filed straight away. He submits that the respondents, on the other hand, are relying upon a policy directive dated 11.04.2023, which cannot supersede the instructions issued by the Government of India. He submits that, without prejudice to the above, even if the policy instructions dated 11.04.2023 are to be applied, they state that first the Anonymous/Pseudonymous complaints should be investigated and analysed at an appropriate level by an inquiry undertaken by an independent officer/office. He submits that the said process has also not been followed in the present case. He further submits that, even otherwise, the respondents appear to be acting out of malice against the petitioner.

4. On the other hand, the learned counsel for the respondents, who appears on advance notice, submits that adequate protection has been granted to the petitioner, inasmuch as the learned Tribunal has directed that though the Court of Inquiry may continue, no action based on the same shall be taken by the respondents without obtaining



leave of the learned Tribunal.

5. He further submits that the question whether the respondent is bound by the instructions issued by the Government of India as far as anonymous/pseudonymous complaints are concerned, is pending adjudication before the learned Tribunal in OA No. 1111/2023 titled, '*Colonel NC Dwivedi v. Union of India, Ors.*'. He submits that, even otherwise, by an Order dated 09.01.2024, passed by the learned Armed Forces Tribunal, Regional Bench, Mumbai, in OA No. 98/2023, titled, '*Maj Gen Devendra Arora v. Union of India & Ors.*', the learned Armed Forces Tribunal, Regional Bench, Mumbai has already held that the respondents are not barred from having their own independent or supplementary policy on matters of investigation into anonymous/pseudonymous complaints.

6. He further submits that there are certain grave allegations, which are made in the complaints against the petitioner. The complaints are also accompanied by certain documents, which made it verifiable in nature, because of which a notice was first issued to the petitioner to elicit his response and, after considering the reply of the petitioner at a competent level, a Court of Inquiry was convened.

7. We have considered the submissions made by the learned counsels for the parties.

8. The primary issue to be determined by the learned Tribunal in the above OA would be whether the respondents can at all convene the Court of Inquiry based on an Anonymous/Pseudonymous complaint. While the petitioner is placing reliance on the



instructions/Office Memorandums issued by the Government of India, the respondents are placing reliance on their own policy decision on the same, which empowers it to investigate even anonymous/pseudonymous complaints which are accompanied by verifiable material. We would not like to make any comment on this issue, which needs to be first adjudicated by the learned Tribunal.

9. At the same time, the learned Tribunal by the Impugned Order has balanced the equity between the parties by directing that the respondents may continue with the Court of Inquiry, however, it would not act on the same without taking leave of the learned Tribunal. The petition has been directed to be listed for hearing on 07.04.2025. Being a discretionary Order, we do not deem it appropriate to interfere with the same in exercise of our extraordinary jurisdiction under Article 226 of the Constitution of India.

10. In view of the above, we find no merit in the present petition. However, we make it clear that we have not expressed any opinion on the merits of the submissions made by either of the parties, and these shall be considered by the learned Tribunal on their own merits in the application pending before it.

11. The petition is disposed of.

NAVIN CHAWLA, J

SHALINDER KAUR, J

MARCH 4, 2025/rv/IK

Click here to check corrigendum, if any