



2026:DHC:5204-DB



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment reserved on: 13.05.2026

Judgment pronounced on: 01.07.2026

Judgment uploaded on: 01.07.2026

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W.P.(C) 2531/2024, CM APPL. 10355/2024, CM APPL. 10356/2024 and CM APPL. 33565/2024

UNION OF INDIA & ORS.Petitioners

Through: Mr. Farman Ali, CGSC with
Ms. Usha Jannal, Ms. Tanya,
Adv. with Col. Sarika, Maj
Tarun Pillai, Maj. Anish
Muralidhar.

Versus

COL AMARDEEP SINGHRespondent

Through: Mr. Aditya Singh Puar, Mr.
Parthsarathi Hirani, Adv.

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

J U D G M E N T

ANIL KSHETARPAL, J.:

1. Through the present Writ Petition, the Petitioners assail the correctness of the Order dated 11.10.2023 (hereinafter referred to as the 'Impugned Order') passed by the learned Armed Forces Tribunal, Principal Bench, New Delhi (hereinafter referred to as 'the Tribunal') in O.A. No. 716/2023, whereby the Original Application ('OA') preferred by the Respondent came to be allowed and the Petitioners were directed to grant to the Respondent the substantive ranks of Brigadier and thereafter Major General with retrospective seniority



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corresponding to his approved civil appointment in the Survey of India (hereinafter referred to as 'SoI').

2. By way of the aforesaid OA, the Respondent had challenged the order dated 06.02.2023, whereby his claim for conferment of the substantive ranks of Brigadier and Major General was rejected on the ground that the Respondent, being placed in a low medical category, did not fulfil the promotable medical standards applicable for the grant of higher substantive rank under the governing Army Regulations and policies.

3. Thus, the principal question which arises for consideration before this Court is whether the Tribunal committed any error in directing conferment of substantive military ranks upon the Respondent despite his placement in a low medical category and the governing Army Regulations relied upon by the Petitioners.

FACTUAL MATRIX:

4. In order to appreciate the controversy in its proper perspective, it becomes necessary to notice the relevant facts leading to the passing of the Impugned Order.

5. The Respondent was initially commissioned in the Corps of Engineers of the Indian Army and, thereafter, upon selection through the Union Public Service Commission, was permanently seconded to the SoI Group 'A' Service in April 2005. His subsequent service conditions came to be governed by the Survey of India (Group 'A') Service Rules, 1989 (hereinafter referred to as '1989 Rules'), which provide for an integrated service comprising Civil and Defence



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Streams and prescribe equivalence between specified civil posts and military ranks.

6. In terms of the said Rules, the post of Additional Surveyor General (Senior Administrative Grade - Level 14) in the Defence Stream is stated to be equated with the military rank of Major General for purposes of service equivalence, while the post of Director (Level 13) corresponds to the rank of Brigadier, subject to completion of the prescribed commissioned service.

7. The Respondent was promoted within the SoI organisation to the post of Director on 26.12.2012 and continued to discharge duties within the Defence Stream under the equivalence framework contemplated under the 1989 Rules.

8. Subsequently, pursuant to recommendations of the competent authorities and approval of the Appointments Committee of the Cabinet ('ACC'), the Respondent was empanelled for promotion to the post of Additional Surveyor General in Level 14. The Department of Science and Technology issued an order dated 05.02.2020 directing the implementation of the said decision, and the promotion of the Respondent was thereafter notified in the Gazette of India on 28.08.2020, issued in the name of the President of India, promoting him to the post of Additional Surveyor General with effect from 05.02.2020.

9. Following the said promotion, the Respondent functioned as Additional Surveyor General in Level 14 and discharged duties



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attached to the said civil post within the organisational structure of the SoI.

10. The Respondent completed 23 years of commissioned service on 12.06.2020 and 25 years of commissioned service on 12.06.2022. The Respondent thereafter contended that, under the equivalence framework contained in the 1989 Rules, he had become eligible for conferment of the substantive ranks of Brigadier and Major General respectively. In this regard, the SoI authorities addressed communications to Army Headquarters requesting consideration of the grant of the corresponding military ranks.

11. The Petitioners, however, declined to confer the said ranks upon the Respondent, *inter alia*, on the ground that the Respondent was placed in a low medical category and did not satisfy the promotable medical standards applicable for the grant of higher substantive military rank under the governing Army Regulations and administrative policies.

12. Aggrieved by the refusal to grant substantive rank despite his promotion to a Major General equivalent civil post, the Respondent approached the Tribunal by filing O.A. No. 716/2023, challenging the decision of the authorities and seeking conferment of the ranks of Brigadier and Major General along with consequential benefits.

13. During the pendency of the proceedings, an office order issued in September 2023 reverted Defence Stream Officers (hereinafter referred to as 'DSOs') from the SoI back to Military Survey with effect from 31.03.2023. According to the Respondent, while certain



similarly placed officers were reverted holding higher substantive ranks, he was reverted in the rank of Colonel, which, according to him, resulted in loss of status and seniority despite his having served against a Level-14 civil post.

14. The Tribunal passed the Impugned Order dated 11.10.2023, allowing the OA and directing the Petitioners to confer upon the Respondent the substantive ranks of Brigadier and Major General with original seniority and consequential benefits.

15. Aggrieved by the aforesaid directions issued by the Tribunal, the Petitioners have preferred the present Writ Petition.

CONTENTIONS OF THE PARTIES:

16. Heard learned counsel representing the parties and perused the record.

17. Learned counsel representing the Petitioners submits as under:

i. The conferment of the substantive military rank of Brigadier or Major General is not automatic upon holding an equivalent civil post in the SoI and necessarily remains subject to the promotion policies, medical standards and eligibility criteria applicable to Army officers.

ii. The Respondent belonged to the batch of 1997, whereas officers of the earlier 1994 batch had only recently been considered for promotion to the rank of Major General. Grant of substantive rank to the Respondent ahead of his batch and seniors



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would disrupt the settled promotion structure applicable in the Army.

iii. Paragraph 67 of the Defence Service Regulations, 1987 (hereinafter referred to as 'DSR'). DSR governs substantive promotion and clearly contemplates assessment of overall suitability, including medical fitness. The grant of military rank cannot be treated as a mere ministerial consequence of civil promotion.

iv. The 1989 Rules merely provide equivalence for administrative purposes and do not override Army Regulations relating to substantive promotion. Equivalence of posts cannot be construed as conferring an enforceable right to military promotion.

v. Posts held by DSOs are supernumerary appointments and do not form part of the sanctioned substantive cadre strength of Lt. Colonel and above in the Regular Army. Consequently, holding an equivalent civil post does not automatically entitle an officer to conferment of substantive military rank.

vi. The Respondent cannot approbate and reprobate. In Ground 'G' of the OA, the Respondent himself relied upon the Government of India letter dated 24.02.1992 to contend that conferment of military rank upon such officers was largely symbolic and that they were retained in supernumerary strength for purposes of rank. Having sought benefit under the said policy, the Respondent cannot now deny applicability of the conditions



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attached thereto, including compliance with prescribed medical standards for the grant of substantive military rank.

vii. Judicial review ought not to substitute the decision of specialised military authorities in matters concerning promotion and organisational structure.

18. *Per contra*, learned counsel representing the Respondent supports the Impugned Order and submits as under:

i. Upon secondment to the SoI Group 'A' Service, the Respondent's service became governed by the statutory 1989 Rules, framed under Article 309 of the Constitution, which create an integrated civil service with expressly defined equivalence between civil posts and military ranks.

ii. The Respondent was promoted to the post of Additional Surveyor General (Senior Administrative Grade - Level 14) pursuant to approval of the ACC and a Gazette Notification issued in the name of the President of India. The said promotion, being statutory and Presidential in character, could not be diluted or nullified by internal Army policies or administrative letters.

iii. Under the equivalence framework contained in the 1989 Rules, once a DSO holds the post of Additional Surveyor General and completes the prescribed commissioned service, conferment of the equivalent substantive military rank follows as a matter of course and does not require a fresh Army selection process.



iv. The Petitioners incorrectly treated the matter as an Army promotion exercise and relied upon a non-statutory Ministry of Defence letter dated 24.02.1992 and Paragraph 67 of DSR to deny rank, despite the 1989 Rules not prescribing any medical fitness requirement for conferment of equivalent rank.

v. Paragraph 67 itself does not create an absolute bar against promotion of officers placed in S₁H₁A₁P₁E₂ (hereinafter referred to as 'SHAPE-2') medical category and permits promotion in exceptional cases based on suitability and functional employability, which, according to the Respondent, stood recorded in his favour.

vi. Reliance is placed upon the judgment of the Supreme Court in *Union of India & Ors. v. Brigadier Javed Iqbal*¹, to submit that medical category SHAPE-2 does not constitute an absolute impediment to promotion and that subordinate authorities cannot defeat a promotion otherwise duly approved by competent authorities.

vii. Similarly placed officers who served in equivalent Level-14 posts were granted higher substantive ranks upon reversion, whereas the Respondent alone was reverted as Colonel, thereby resulting in hostile discrimination rightly corrected by the Tribunal.

19. No other submissions have been made by the learned counsel representing the parties.

¹ (2022) 17 SCC 450



ANALYSIS AND FINDINGS:

20. This Court has considered the submissions advanced by learned counsel representing the parties and perused the material placed on record. Before examining the correctness of the Impugned Order, it is necessary to bear in mind the limited scope of judicial review exercised by this Court over decisions rendered by the Armed Forces Tribunal.

21. The jurisdiction under Articles 226 of the Constitution is supervisory in nature and does not permit substitution of judicial opinion for institutional assessment undertaken within specialised military frameworks. Interference is therefore warranted only where the Tribunal proceeds upon a misinterpretation of governing regulations or grants relief contrary to the statutory scheme regulating service conditions of Army officers.

22. The controversy essentially centres around the legal effect of the equivalence framework contained in the 1989 Rules *vis-à-vis* the statutory and regulatory regime governing substantive promotions within the Indian Army. The core question requiring determination is whether holding a civil post declared equivalent to a higher military rank automatically entitles a DSO to conferment of such substantive rank, notwithstanding non-fulfilment of Army promotion requirements.

23. It is not in dispute that upon permanent secondment to the SoI, the Respondent became part of an integrated service governed by the 1989 Rules framed under Article 309 of the Constitution. The Rules



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recognise equivalence between specified civil appointments and military ranks for purposes of organisational parity and functional coordination between Civil and Defence Streams. However, a careful reading of the Rules reveals that they do not create an independent promotional channel nor provide that conferment of substantive military rank shall automatically follow civil promotion, particularly on repatriation of officers to defence forces.

24. At this stage, the distinction between equivalence of post and substantive military promotion assumes critical significance. Equivalence operates within the administrative domain to maintain parity of status and facilitate inter-departmental functioning within the SoI structure. Substantive rank in the Army, however, represents formal placement of an officer within the command, responsibility and seniority framework of the Armed Forces. It determines eligibility for appointments, authority structure and integration within the military hierarchy. Such an arrangement cannot be divorced from the promotion system through which it is regulated.

25. The Petitioners have relied upon Paragraph 67 of the DSR governing substantive promotion by selection. The provision clearly contemplates assessment of overall suitability, including medical fitness and comparative evaluation within the promotion stream. Promotion to higher substantive rank in the Army therefore cannot be reduced to a ministerial consequence flowing merely from civil advancement. Military promotion remains a specialised domain where considerations of medical category, cadre management, operational readiness and organisational balance legitimately operate.



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26. The Respondent's placement in a low medical category is an admitted position. While a SHAPE-2 medical category may not operate as an absolute bar in every situation, the governing regulations vest discretion in competent military authorities to determine promotability. Medical categorisation constitutes an essential component of promotability and eligibility for conferment of higher rank and is not confined merely to suitability for a particular posting. An officer granted substantive rank remains liable for deployment across the spectrum of responsibilities attached to that rank. Courts exercising judicial review would not like to dilute operational standards evolved by the Armed Forces.

27. The submission that the 1989 Rules override Army Regulations also cannot be accepted in absolute terms. The Rules regulate service conditions within the SoI cadre, whereas Army Regulations and governing promotion policies administer conferment of military rank. Harmonious construction requires both regimes to operate within their respective spheres. Civil equivalence ensures organisational parity, while military promotion continues to remain regulated by the Army's independent statutory and policy framework. The 1989 Rules do not expressly or impliedly abrogate the promotion norms applicable to Army officers.

28. The material on record further indicates that DSOs are maintained in supernumerary positions distinct from the regular promotional cadre strength of Lt. Colonel and above in the Army. Conferment of higher substantive rank therefore carries implications extending beyond individual status and directly impacts promotion



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avenues and seniority alignment within the regular Army cadre. Judicial directions cannot be issued in isolation without regard to such service-wide consequences affecting officers who are not before this Court.

29. The Respondent belongs to the 1997 batch, whereas officers of the earlier 1994 batch had only recently entered the zone of consideration for promotion to the rank of Major General. Promotion within the Army follows a calibrated batch-wise progression maintaining *inter se* seniority and cadre balance. Conferment of substantive rank upon the Respondent ahead of seniors would disturb the established promotion hierarchy. The plea of discrimination based on reversion of certain officers holding higher ranks is equally untenable, as conferment of substantive rank depends upon individual eligibility and regulatory assessment. Mere differing outcomes, absent demonstrable parity, do not establish hostile discrimination, and Article 14 of the Constitution of India does not recognise negative equality.

30. The Petitioners have further placed reliance upon the Military Secretary ('MS') Branch Policy letters dated 14.12.2012 and 31.03.2015 governing medical classification, promotability and eligibility for promotion to select ranks of Colonel and above. It was submitted that the Respondent's claim for conferment of substantive rank was required to be examined within the framework of the aforesaid policies and the applicable Army promotion norms.

31. The Tribunal has failed to take into consideration the requirements of MS Branch Policy letters dated 14.12.2012 and



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31.03.2015, which require assessment of an officer for promotion in accordance with prescribed military standards. Furthermore, the question whether relaxation could be granted to the Respondent despite his placement in a low medical category lay within the exclusive domain of the competent Army authorities. If sustained, the Impugned Order would effectively bypass the suitability assessment required to be undertaken by such authorities.

32. The Tribunal has also overlooked that the promotion of the Respondent was reconsidered by the MS Branch pursuant to the order dated 22.11.2022 passed by this Court in W.P.(C) 16094/2022 captioned *Col. Amardeep Singh IC 59054Y v. Union of India & Ors.* Upon obtaining and considering the requisite medical opinion, the competent authority passed a reasoned order dated 06.02.2023 concluding that the Respondent did not satisfy the medical requirements for promotion to the rank of Brigadier. Additionally, the Tribunal has placed much reliance on communications issued by the SoI concerning the Respondent's duties and functional requirements while serving within that organisation.

33. The Tribunal has further overlooked that the Respondent stood permanently repatriated in view of Paragraph No.5.2.2.7 of National Geospatial Policy, 2022, and was assigned a posting by the MS Branch *vide* order dated 14.09.2023, prior to the passing of the Impugned Order on 11.10.2023. It has also been brought to the notice of this Court that the proceedings instituted by the Respondent and certain other officers challenging such permanent repatriation were dismissed by the Central Administrative Tribunal on 06.09.2023. The



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correctness of the said decision is presently the subject matter of challenge in W.P.(C) 12069/2023 captioned *Col Kshitij Sudhir Verma & Ors. v. Union of India & Ors.*, which remains pending consideration.

34. Once the Respondent stood permanently repatriated and his case came to be reconsidered by the competent Army authorities, the issue of promotability necessarily fell for assessment in accordance with the norms and standards applicable within the Indian Army and not merely on the basis of functional requirements communicated by the SoI. It was in this context that the competent authority proceeded to pass the fresh order dated 06.02.2023 after evaluating the Respondent's eligibility under the governing Army framework.

35. The Respondent also cannot approbate and reprobate. In Ground 'G' of the OA, reliance was placed upon the Government of India letter dated 24.02.1992 to contend that conferment of military rank upon DSOs was largely symbolic and that such officers were maintained in supernumerary strength for purposes of rank. Having sought benefit under the said policy framework, the Respondent cannot simultaneously deny applicability of the conditions attached thereto, including compliance with prescribed eligibility and medical standards governing conferment of substantive military rank.

36. Further, the reliance placed by the Respondent upon the decision of the Supreme Court in *Brigadier Javed Iqbal (supra)* is misplaced. The said judgment recognises that placement in SHAPE-2 medical category may not operate as an absolute bar where promotion is otherwise permissible under the governing rules. However, the



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decision does not lay down that medical eligibility or selection requirements forming part of the applicable promotion framework stand rendered irrelevant. In the present case, the dispute concerns entitlement to conferment of substantive rank itself, which remains subject to satisfaction of prescribed promotion norms. The precedent, therefore, does not advance the Respondent's case.

37. This Court is also mindful that judicial review does not extend to substituting the Court's assessment for that of specialised military authorities in matters relating to promotion, suitability and force structure unless the decision is shown to be arbitrary, *mala fide* or contrary to statutory provisions. The record further indicates that the Respondent's case was reconsidered by the competent MS Branch authorities pursuant to judicial directions and a reasoned order dated 06.02.2023 came to be passed after obtaining the requisite medical opinion. The decision declining conferment of substantive rank records considerations directly traceable to the governing regulatory framework, namely applicability of promotion norms, medical eligibility and position within the promotion hierarchy. No perversity, arbitrariness or illegality warranting interference is demonstrated

38. The Tribunal, while allowing the OA, proceeded on the assumption that civil promotion under the 1989 Rules necessarily carried entitlement to equivalent substantive military rank. In the considered opinion of this Court, such an approach, overlooks the regulatory distinction between administrative equivalence and military promotion and effectively renders Army promotion standards inapplicable to DSOs, a consequence neither contemplated by the



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statutory framework nor compatible with uniform military administration.

39. Accordingly, this Court holds that conferment of substantive military rank is inseparable from the statutory promotion framework governing the Army. Holding an equivalent civil appointment or completion of qualifying service does not create an enforceable right to substantive rank absent satisfaction of promotion norms, including medical eligibility and selection requirements.

CONCLUSION:

40. In view of the aforesaid discussion and findings, the present Writ Petition is allowed. The Impugned Order dated 11.10.2023 passed by the Tribunal in O.A. No. 716/2023 is hereby set aside.

41. It is clarified that this judgment shall not preclude the competent military authorities from considering the case of the Respondent in accordance with applicable rules and policies, if otherwise found eligible in future or upon change of relevant circumstances, strictly in accordance with law.

42. It is further clarified that setting aside of the Impugned Order shall not result in reduction of the pay and financial benefits already admissible to the Respondent in terms of the civil post held by him in the SoI, if otherwise protected under the applicable service rules and orders.



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43. The present Writ Petition stands disposed of in the aforesaid terms. The pending applications also stand closed.

ANIL KSHETARPAL, J.

AMIT MAHAJAN, J.

JULY 01, 2026
sp/s.godara/shah