

Court No. 2

**ARMED FORCES TRIBUNAL, REGIONAL BENCH,
LUCKNOW**

ORIGINAL APPLICATION No 48 of 2015

Monday, this the 04th day of April 2016

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

IC-54578 W Lt Col Rajeev Ranjan Lohani, Station Workshop,
Agra Cantt.

...Applicant

Ld. Counsel for the: **Shri K.K. Mishra, Advocate**
Applicant

Versus

1. Union of India, through its Secretary, Ministry of Defence, New Delhi-110011.
2. Chief of Army Staff, Army HQ, New Delhi.
3. Military Secretary, Army HQ, New Delhi.

.....Respondents

Ld. Counsel for the : **Mrs Appoli Shrivastava,**
Respondents **Central Govt Counsel assisted by**
Lt Col Subodh Verma, OIC Legal
Cell and Col Rajiv Menon, Col MS
(Legal).

ORDER (ORAL)

1. We have heard Ld. Counsel for the parties and perused the records.
2. The present application has been filed under Section 14 of the Armed Forces Tribunal Act, 2007 being aggrieved with the order dated 10.01.2014 rejecting the statutory complaint preferred by the applicant against non empanelment for the rank of Col.
3. The O.A. has been filed with delay of more than five months. The delay has been sufficiently explained by Ld. Counsel for the applicant. We accordingly condone the delay and with the consent of Ld. Counsel for the parties proceed to dispose of the O.A. finally.
4. On perusal of record it appears that applicant's ACR entries are consistent and the initiating officer and reviewing officers had consistently recommended that the applicant should be promoted to the next higher post. After considering factual matrix on record, on the basis of comparative merit the Selection Board had not promoted the applicant on the next higher post of Colonel.
5. Counsel for the applicant submits that when the applicant was working as Adjutant of 99 AD Gp (SP) which was a non criteria appointment, his ACRs were counted as criteria

appointment. On perusal of original records, we find that the entries on record show that the applicant has been granted 8 or 9 points consistently in the different years. This shows that nothing adverse has been done on the part of respondents.

6. In view of the above we do not find it a fit case for interference by the Tribunal. However it is provided that whenever further selection is made the applicant may be considered along with others for promotional avenue in accordance with Rules.

7. Subject to above, the O.A. is **rejected**.

No orders as to costs.

(Air Marshal Anil Chopra)
Member (A)

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