

Court No.3**ARMED FORCES TRIBUNAL, REGIONAL BENCH,
LUCKNOW****ORIGINAL APPLICATION NO 37 of 2015**Thursday, this the 25th day of February 2016**Hon'ble Mr. Justice D.P. Singh, Member (J)**
Hon'ble Air Marshal Anil Chopra, Member (A)Bheekam Singh Pal, Gp 'Y' Service No. 8920387-R, Trade
ESSA, s/o Sri Ganga Ram Pal, C/O Lance Naik No. 7237623-
M, Devi Prasad Pal, 772 DSC Platoon, Air Force Station,
Bakshi Ka Talab, Lucknow, (U.P.).

...Applicant

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

Versus

1. The Union of India through Secretary, Ministry of
Defence, South Block, R.K. Puram, New Delhi-110011.
2. Air Commodore, WTI (Workshop Training Institute), 413,
Air Force Station, Tambaram, Chennai-600046.
3. Commanding Officer, WTI (Workshop Training Institute),
413, Air Force Station, Tambaram, Chennai-600046.
4. OIC, Records, WTI (Workshop Training Institute), 413
Air Force Station.
5. Group Captain, WTI (Workshop Training Institute), 413,
Air Force Station, Tambaram, Chennai-600046.

.....Respondents

Ld. Counsel for the : **Shri Dileep Singh, Central**
Respondents. **Govt Counsel assisted by Wg Cdr**
Sardul Singh, OIC Legal Cell (Air
Force)

ORDER (ORAL)

1. Heard Ld. Counsel for the parties and perused the record.
2. Applicant Bheekam Singh Pal was enrolled in the Air Force on 30.12.2009 and commenced his Joint Basic Phase Training (JBPT) on 04.01.2010 at Air Force Station Belgaum. However, during the course of training it appears that the applicant was not in possession of satisfactory outcome to clear him for regular enrollment. He failed in English twice in the final test as well as re-test conducted by Basic Training Institute, Belgaum. The details of result of JBPT are given in paragraph-2 of the counter affidavit, which has not been denied by Ld. Counsel for the applicant. For convenience sake para 2 of the counter affidavit is reproduced as under:-

Joint Basic Phase Training (JBPT) Intake 01/2010 at 405 AF Stn Belgaum				
Sl. No.	Type of Exam/Test		Percentage Scored	Result (Pass/Fail)
(i)	Diagnostic Test	06-13 Jan 10	30.7%	Fail
(ii)	Mid Term Test	06-18 Feb 10	48%	Fail (failed in GSK, GST Foot Drill and Arms Drill)
(iii)	Final JBPT	06-21 Mar 10	36.6%	Fail (Failed in English)
(iv)	Re-test	31 Mar-02 Apr	36%	Fail

3. In spite of efforts made, it appears that the applicant could not successfully complete training. Warning letters from time to time were issued, i.e. letters dated 20.01.2010, 05.03.2010, 25.03.2010, and 05.04.2010 directing the applicant to ensure successful completion of training. Letter dated 11.03.2010 was also issued to the parents of the applicant. Copy of the letter dated 11.03.2010 is annexed as **Annexure CA-1** to the counter affidavit. However, it appears that the applicant could not successfully complete the training. He was made to join the junior intake of February, 2010, yet the applicant could not make up in training for retention in service. He was given change of trade to Communication Technician trade, but even then he could not successfully complete the training. Thereafter Station Review Board (SRB) was conducted on 05.10.2010. He was allocated Environmental Support Services, Assistant (ESSA) trade on 08.10.2010. The applicant was sent to Workshop Training Institute (WTI) for trade training of ESSA training. A warning was again issued to the applicant stating that any further failure may lead to discharge from Air Force. The result of Trade Phase Training at Work Training Institute has been produced in the form of chart in the counter affidavit which is reproduced as under:

Trade Phase Training at CTI with intake 02/2010 with effect from 27 Jun 10				
SI No	Type of exam/Test		Percentage Scored	Result (Pass/fail)
(i)	Weekly Tests	IAT 06. Jul 10	08%	Fail
(ii)	Weekly Tests	TAT 06 Jul 10	26%	Fail
(iii)	Fortnightly Tests	19 Jul 10	30%	Fail (Warning letter issued)
(vi)	Mid Term-!	09 Aug 10	30.5 %	Fail (Warning letter issued)
(v)	End Term Test	25 Sep 10	44.38%	Fail (In Part-II Trade Exam)

4. During the course of training with the change of trade, the applicant could not succeed to complete the training. As such, warning letters dated 07.08.2010, 21.08.2010, 16.09.2010 and 26.09.2010 were issued to the applicant. Letter dated 29.09.2010 was sent to the father of the applicant, a copy of which has been annexed as **Annexure CA-2** to the counter affidavit. Due to poor academic record of the applicant, he had been allocated ESSA trade on 08.10.2010 in pursuance to provision of para 5, 14 (a), 15 (a) and 20 (b) of Headquarter Training Command, IAF, TCASI/PART-II/TG/02/09, copy of which has been annexed as **Annexure CA-3** to the counter affidavit. Even for the second time after change of trade the applicant could not come upto standard for the Indian Air Force. During course of training of ESSA Trade, the applicant again failed in mid-term test.

5. From the averments contained in the counter affidavit it is borne out that in Trade Test Training of WTI, the applicant in Mid Term Test obtained 29.5% and in End Term Test the applicant obtained 38.5% marks and failed in both the tests. Warning letters dated 25.11.2010 and 28.12.2010 were issued to the applicant, copies of which have been annexed as **CA-4** to counter affidavit. A letter was also issued on 01.01.2011 that in case of further failure he will be discharged from Air Force training. The letter is annexed as **Annexure No CA-5** to counter affidavit. However, in spite of serving various warning letters, applicant failed in final examination conducted by Regional Examination Board (Trainee) in which applicant scored 34.5% marks and failed in part I and part II respectively. After failure in REB(T) final examination, Station Review Board (SRB) was conducted at 413 Air Force Station on 08.07.2011 and applicant was found not suitable for training in Air Force in spite of providing so many chances. In consequence thereto applicant was discharged from Air Force which was only option available in respect of applicant as per provisions of para 25 of TCAS/Part II/TG/20/09. Applicant was discharged by impugned order dated 14.07.2011 in pursuance to provisions of Air Force Rules 1969, Chapter-III Clause 15 (2) (j) and para 25 of TCAS/Part II/TG/02/09 on the ground of unlikely to become an efficient airman.

6. Ld. counsel for the applicant submitted that after failure trade of the applicant should have been changed and the applicant should have been accommodated in appropriate trade by the respondents. Arguments advanced by Ld. counsel for the applicant is based on misconceived notion for the reason that efforts made by the Air Force became futile and even after change of trade, the applicant could not pass the test. He was permitted to join next course but could not make the entry. All possible efforts made by the respondents to retain him in service were fruitless and in consequence thereof he was rightly discharged from service.

7. In view of the above, T.A. lacks merit and is accordingly rejected.

No order as to costs.

(Air Marshal Anil Chopra)
Member (A)

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