

Court No. 1
Reserved Judgment

ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

ORIGINAL APPLICATION No. 202 of 2016

Monday this the 12th day of March 2018

Hon'ble Mr. Justice S.V.S. Rathore, Member (J)
Hon'ble Lt Gen Gyan Bhushan, Member (A)

ROLL NO. UP/GD/2169 Gopal Singh, son of Sri Komal Singh,
Resident of Village Nagla Jairam,
Post Office Akola,
District Agra U.P. 283102

..... **Applicant**

By Legal Practitioner – Shri VR Chaubey,
Learned counsel for the Applicant.

Versus

1. Union of India through Secretary, Ministry of Defence,
Government of India, South Block,
New Delhi-110011.
2. The Additional Directorate General of Recruiting,
Recruiting-6, Adjutant General's Branch,
Integrated Headquarters of Ministry of Defence (Army),
West Block III, R.K.Puram,
New Delhi-110066.
3. The Adjutant General, Adjutant General's Branch,
Integrated Headquarters of Ministry of Defence (Army),
New Delhi-110011.
4. The Director General of Recruiting, Recruiting B (A),
Integrated Headquarters of Ministry of Defence (Army),
Pin 900108 C/o 56 APO.
5. Commandant, Arty Centre Pin 900800 C/o 56 APO.

..... **Respondents**

By Legal Practitioner – Shri Yogesh Kesarwani,
Learned Counsel for the Central Govt.

ORDER

Per Hon'ble Mr. Justice S.V.S. Rathore, Member (J)

1. By means of this instant appeal under Section 14 of the Armed Forces Tribunal, 2007, the appellant has made the following prayers :

“(i) This Hon'ble Tribunal may kindly be pleased to direct the opposite parties to consider the claim of the applicant for recruiting in the Indian Army and quash the impugned order dated 16.01.2016 and 16.02.2016 contained in Annexure No.1 and 2 respectively.

“(ii) Pass any other order or direction which this Hon'ble Tribunal may deem fit and proper under the circumstances of the case.”

2. The admitted facts as per the pleadings of the parties may be summed up as under :

The applicant, who happens to be the son of Ex Sub (Hony Lt) Komal Singh appeared in the Unit Headquarter Quota enrolment held in the month of April 2015 at Artillery Centre, Nasik Road (Camp). On verification, it was found that another brother of the applicant named Rajbir Singh has already been enrolled in the Regiment of Artillery on 28th July 2008 after getting 20 bonus marks. As per policy issued vide Director General of Recruiting/Recruiting B (A), Adjutant General's Branch, Integrated Headquarters of Ministry of Defence (Army) letter Number 62527/Rtg B (A) dated 16 April 2013, only one son is entitled to such bonus marks. As per para 4 and 5 of Headquarters Artillery Centre, Nasik Road Camp letter Number 311001/UHQ Apr 2015/276/A7 dated 14 August 2015, it was confirmed that candidate Gopal Singh S/o Komal Singh was ineligible for bonus marks as his brother had already availed this benefit, accordingly the bonus marks given to the candidate were reduced, thus he could not figure in the merit. The same was intimated to the applicant by 7 Recruit Receipt and Despatch Battery vide their letter number 311001/UHQ/Apr 2015/07/A dated 18 September 2015.

3. The submission of the learned counsel for the applicant is that the applicant was selected in the Army and after verification, his enrolment was cancelled and, therefore, he is suffering from mental agony and irreparable loss. As such, he is entitled for the reliefs claimed.

4. Per contra, learned counsel for the respondents has argued that as per the policy, only one son of the Ex Army Personnel is entitled to the

benefit of the said policy. Since the elder brother of the applicant has already availed the said benefit, therefore, the applicant was not entitled to the said benefit.

5. During the course of arguments, learned counsel for the applicant has fairly admitted that his elder brother has already taken the benefit of the said policy and as per the policy, only one son is entitled to get the benefit of 20 bonus marks.

6. Learned counsel for the applicant, during the course of arguments, could not bring to our notice any law, rule or regulation, which entitles the second son of an Ex Army Personnel to get the benefit of the said policy. Learned counsel for the applicant, in the alternative, has argued that the respondents be directed to reconsider the case of the applicant.

7. We do not find any substance in the submission. When the applicant has absolutely no case to be considered for grant of 20 bonus marks, then it will not be appropriate to recommend the case of the applicant to the respondents for reconsideration. There is absolutely no substance in this O.A. The order impugned was in accordance with the Government policy.

8. Accordingly, the O.A. deserves to be dismissed and is hereby **dismissed**.

(Lt Gen Gyan Bhushan)
Member (A)

(Justice S.V.S.Rathore)
Member (J)

Dated: March , 2018
PKG/RS