

Court No.3**ARMED FORCES TRIBUNAL, REGIONAL BENCH,
LUCKNOW****ORIGINAL APPLICATION NO 62 of 2014**Thursday, this the 17th day of December 2015**Hon'ble Mr. Justice D.P. Singh, Member (J)**
Hon'ble Air Marshal Anil Chopra, Member (A)

Havildar/Dvr Spl Veh (DSV) Manoj Kumar Singh (Army No. 1482097-K), of 64 Assault Engineer Regiment, C/o 56 APO son of Shri. Shivji Singh, resident of East Sector, Shopping Complex Quarter No. 28/29 Chandimandir Cantonment, Pachkula (Haryana).

.....Applicant

Ld. Counsel for the: **Shri P.N. Chaturvedi, Advocate**
Applicant

Versus

1. Union of India, through the Secretary, Ministry of Defence, South Block, New Delhi-110011.
2. Chief of the Army Staff, Integrated Headquarter of the Ministry of Defence (Army) South Block, New Delhi-110011.
3. Officer-in-Charge Records Bengal Engineer Group Records, Roorkee (Uttarakhand), PIN-908779, C/o 56 APO.
4. Commanding Officer, 64 Assault Regiment, C/o 56 APO.

...Respondents

Ld. Counsel for the : **Mrs Deepti Prasad Bajpai, Central**
Respondents. **Govt Counsel assisted by**
Capt Priti Tyagi, OIC, Legal Cell.

ORDER (ORAL)

1. Heard Ld. Counsel for the parties and perused the records.
2. The applicant has filed the present Original Application under Section 14 of the Armed Forces Tribunal Act, 2007, being aggrieved on supersession for the post of Naib Subedar. Though he was considered for promotion but he was not promoted.
3. Submission of the Ld. Counsel for the applicant is that the applicant has not been promoted on unfounded grounds. Ld. Counsel for the respondents has placed original records. It is admitted fact that the applicant should have to his credit three Above Average and two High Average entries for promotion from Havildar to Naib Subedar but the applicant seems to have possessed only two Above Average entries. Record also reveals this fact. Further Ld. Counsel for the applicant submits that the applicant was not given any performance counseling. Ld. Counsel for the respondents submits that these entries were not adverse, hence no communication was required. The applicant seems to have been rightly superseded and no case for interference is made out.
4. In view of the above O.A. lacks merit. It is accordingly rejected.

No order as to costs.

(Air Marshal Anil Chopra)
Member (A)

anb

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