

Court No.3

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

TRANSFERRED APPLICATION NO 01 of 2015

Monday, this the 14th day of December 2015

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

Hav/Amb Ram Sewak (13946398) S/o Sri Bahadur Singh, 428
Field Ambulance, C/o 56 APO, R/O Mohari Bagh, Kharika
Telebagh, Lucknow.

.....Petitioner

Ld. Counsel for the: **Shri Sunder Lal, Advocate**
Petitioner

Versus

1. Union of India through the Secretary, Ministry of Defence,
New Delhi.
2. The Director General, Adjutant General's Branch, Army
Head Quarters D.H.Q., P.O. New Delhi.
3. Commandant A.M.C. Centre & School, Lucknow.
4. Colonel Records Army Medical Corps Records, Lucknow.

...Respondents

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

ORDER

1. This application under Section 14 of the Armed Forces Tribunal Act has been preferred by the petitioner being aggrieved with the supersession for the post of Havildar in the year 1996.
2. Heard Ld. Counsel for the parties and perused the record.
3. Solitary argument advanced by Ld. Counsel for the petitioner is that the petitioner was superseded for promotion to the rank of Havildar in the year 1996 by the respondents and his juniors were promoted. Later on he was promoted to the rank of Havildar w.e.f. 01.01.1997. If he would have been promoted in time he would have availed other higher post and could have served the army for longer period.
4. Ld. Counsel for the respondents has invited our attention that the petitioner was not meeting ACR criteria for promotion from Naik to Havildar. He was required to have atleast 2 Above Average entry but he was having only 1 Above Average entry. The petitioner preferred Writ Petition No 6658 of 2000 in High Court Lucknow Bench, Lucknow, which was decided on 15.01.2004. In pursuance to order passed by High Court in Writ Petition No 6658 of 2000, the petitioner's controversy was reconsidered but except ACR entry, no other ground was pressed by the petitioner. As such, the petitioner's supersession does not seem to be suffer from any illegality and arbitrariness.
5. Three reports of the petitioner were considered for promotion for the rank of Havildar in the year 1996. He was

having only 1 Above Average entry. For promotion from Naik to Havildar 3 reports are considered. Out of three reports 2 should be Above Average and 1 should be High Average. The applicant was having only 1 Above Average entry.

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

No order as to cost.

(Air Marshal Anil Chopra)
Member (A)

ukt/-

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