

**ARMED FORCES TRIBUNAL, REGIONAL BENCH,
LUCKNOW****Original Application No 258 of 2013**Tuesday, this the 13th day of October 2015**Hon'ble Mr. Justice D.P. Singh, Member (J)**
Hon'ble Air Marshal Anil Chopra, Member (A)No. 15376945H Naik (EFS), Surendra Kumar
S/o Late Shri Jagat Ram,
572 Sub Group (ASCON)
C/o 56 APO.

.....Applicant

Ld. Counsel for the: **Shri R. Chandra, Advocate**
Applicant

Versus

1. Union of India, Through the Secretary,
Ministry of Defence, Government of India
NEW DELHI.
2. Chief of Army Staff, Army Headquarters,
DHQ Post Office, NEW DELHI
3. The Chief Signal Officer, Headquarter,
South Western Command, C/o 56 APO
4. The Officer-In-Charge, Signals Records
Jabalpur Cantt, Jabalpur
DISTRICT JABALPUR (M.P.)

...Respondents

Ld. Counsel for the : **Shri Dileep Singh, Central**
Respondents. **Govt Counsel assisted by**
Lt Col Subodh Verma, OIC
Legal Cell.

ORDER (ORAL)

1. Heard learned counsel for the parties and perused the record.
2. Aggrieved by the impugned order dated 01.01.2011 and 23.07.2013, the applicant has approached this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007. By means of the impugned orders, the applicant has been denied promotion to the rank of Havildar.
3. Ld. Counsel for the applicant submitted that the applicant is entitled for promotion on the post of Havildar from 01.09.2008. Claim of the applicant relates to promotion with retrospective date, i.e. 01.09.2008. Accordingly, the question involved in the present O.A. is mixed question of facts and law.
4. However, considering the factual matrix of the case, the applicant is directed to prefer a representation before the competent authority within one month. In case such a representation is moved, the competent authority shall dispose of the representation of the applicant with a reasoned and speaking order expeditiously, say , within three months from the date of presentation of a certified of this order and communicate the decision to the applicant.
5. With aforesaid directions, the O.A. is disposed of finally.
6. No order as to costs.

(Air Marshal Anil Chopra)
Member (A)

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

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