

**Court No.3****ARMED FORCES TRIBUNAL, REGIONAL BENCH,  
LUCKNOW****Original Application No 280 of 2015**Tuesday, this the 13<sup>th</sup> day of October 2015**Hon'ble Mr. Justice D.P. Singh, Member (J)**  
**Hon'ble Air Marshal Anil Chopra, Member (A)**Nb Sub No 698756 L Suraj Mohan Singh  
Son of Shri Chandeshwal Prasad Singh  
Resident of Vill-Pahari Hanumannagar,  
PO-Rohaniya, Maduahdeeh, Varanasi-(presently  
Posted to 333 Field Hospital, c/o 56 APO)

.....Applicant

Ld. Counsel for the: **Shri V.A. Singh, Advocate**  
Applicant

Versus

1. Union of India through Secretary, Ministry of Defence, New Delhi-110011.
2. Chief of Army Staff, IHQ of Min of Def (Army) South Block, New Delhi-110001
3. The Records, AMC, Lucknow.

...Respondents

Ld. Counsel for the : **Shri D.K. Pandey, Central**  
Respondents. **Govt Counsel assisted by**  
**Lt Col Subodh Verma,**  
**Departmental Representative**  
**for the respondents**

**ORDER (ORAL)**

1. Heard learned counsel for the parties and Lt Col Subodh Verma, OIC Legal Cell.
2. The applicant is aggrieved by the conduct of Respondents by which his first son Shri Sanjeev has not been enrolled in the Army under UHQ quota on the ground that 'your brother has already been enrolled on 24.04.2015'. His second son Shri Santosh Kumar has been selected for enrolment in the Army under UHQ quota. The decision communicated by the respondents is not sustainable in view of the letter dated 18.08.2015 issued to the applicant through Right to Information Act, a copy of which is annexed along with the O.A. which shows that second son may also be considered. Letter dated 18.08.2015, for convenience sake is reproduced as under:

*"Directorate General of Recruiting  
Recruiting B (A)  
Integrated HQ of MoD (Army)  
Pin 900108 c/o 56 APO.*

62536/Rtg B (A)

18 Aug 2015

*333 Field Hospital  
Pin-903333  
C/o 56 APO.*

**ENROLEMENT OF SON THROUGH UHQ RECT RALLY**

1. Ref your letter No 3231/SMS/Pers dt 27 Jul 2015.
2. As per this HQ letter No 62536/Rtg B(A) dt 26 Jun 2013 addressed to all Regt/Corps Trg Centre. It is clarified that the Second Son of ESM can enroll into the Army through UHQ quota rally on the basis of relationship cert of his brother. Since he is also son of an ESM, thus he is entitled to physical relaxation based on relationship cert of his father.

*However he is not entitled to any bonus marks as the same is applicable to only one son.*

*Sd/- x x x x  
Mithilesh Kumar  
Col  
Jt Dir Rtg B (A)  
for DG”*

3. In view of the above, there appears to be inadvertent mistake on the part of the respondents with regard to non consideration of first son Sanjeev under UHQ quota in the enrollment, Lucknow.
4. Accordingly, in view of the above, we direct the respondents to take a fresh decision in the light of letter dated 18.08.2015, which has been reproduced above forthwith.
5. With the aforesaid direction, O.A. is disposed of finally.
6. It is clarified that we have not entered into the merits of the case.
7. Copy of this order be given to Ld. Counsel for the parties within three days.
8. No order as to costs.

**(Air Marshal Anil Chopra)  
Member (A)**

ukt

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