

**Court No. 1**

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

**ORIGINAL APPLICATION No. 256 of 2016**

Monday, this the 23<sup>rd</sup> day of May, 2022

**“Hon’ble Mr. Justice Umesh Chandra Srivastava, Member (J)  
Hon’ble Vice Admiral Abhay Raghunath Karve, Member (A)”**

JC-694114Y Sub (SKT) Ajay Kumar Singh, son of Shri Amer Nath Singh, permanent resident of village and post Budhaun, Tehsil-Rasra, P.S.-Garwar, District-Ballia (UP).

..... Applicant

Ld. Counsel for the : **Shri SS Rajawat**, Advocate  
Applicant

Versus

1. Union of India, through Secretary, Ministry of Defence (Army), West Block-2, RK Puram, New Delhi.
2. Chief of Army Staff, Army Headquarters, DHQ, PO-New Delhi.
3. The Officer-in-Charge, Records, Army Medical Corps, PIN-900746, C/o 56 APO.
4. Commandant, 151 Base Hospital, Basistha Road, Guwahati (Assam).

.....Respondents

Ld. Counsel for the : **Shri Amit Jaiswal**, Advocate  
Respondents Central Govt. Counsel

## ORDER

1. The instant Original Application has been filed under Section 14 of the Armed Forces Tribunal Act, 2007 for the following reliefs :-

- (i) *Issue a suitable order or direction to the respondent authorities directing them to re-consider the case of the applicant for grant of Honorary Commission and accordingly grant Honorary Commission to the applicant w.e.f. 26<sup>th</sup> January, 2013 i.e. the date when the similarly situated JCOs have been granted Honorary Commission.*
- (ii) *Issue a suitable order or direction to the respondents authorities to allow and pay all consequential benefits accruing to the applicant on being granted Honorary Commission w.e.f. 26<sup>th</sup> January, 2013.*
- (iii) *Pass any other suitable order or direction which this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.*
- (iv) *Allow the original application with costs in favour of the applicant.*

2. The case pertains to grant of Honorary Commission. The applicant vide this petition has prayed for summoning of records of the applicant who was not granted Honorary Commission on 15.08.2013 as also on 26.01.2014. He also sought that comparative merit of the applicant may be sought to ensure fair play and meet the ends of justice.

3. The facts in brief are that the applicant was enrolled in the Army on 09.07.1984 and in due course of time he rose to the rank of Subedar. He was due for retirement on 31.07.2014 on having completed his terms of engagement plus two years as extended tenure. The applicant was considered for promotion for Hony rank in which marks for certain service condition were to be calculated. As per his allegation, he was not granted Honorary Commission even though he fulfilled the qualitative requirement and secured 45 points

4. Learned counsel for the applicant argued that the applicant had 30 years of service and for each year of service above 20 years, he is required to be given one mark. Therefore, he was entitled to 10 marks. Learned counsel for the applicant again argued that applicant had spent approx 10 years in high altitude area which is borne by the records. He further submitted that the applicant fulfilled eligibility criteria for grant of Honorary Commission as stipulated in Para 3 of the Policy letter dated 20.08.1982, even then he has not been granted Honorary Commission. His other submission is that he has not been awarded any red/black ink entry punishment during the whole service. He further submitted that several JCOs e.g. Sub Nirupam Grahacharya, Sub Dhananjay Kumar Singh and Sub Kakumanu Jaya Rao who are low in merit have been granted Honorary Commission on the Republic Day 2014.

4. Having heard both the parties at length and having examined the documents which were provided to us in sealed envelope, we find that the cut off marks for grant of Honorary Commission on Independence Day 2013 was 39 whereas the applicant scored 31 marks and the cut off marks for grant of Honorary Commission on Republic Day 2014 was 36 where the applicant scored 34 marks. The points calculated for the service rendered in terms of length of service and service rendered in Field/High Altitude Area have been correctly calculated in accordance with rules on the subject.

5. As regards the Army courses of Instruction, the applicant did get full marks as instructor in category 'A' establishment. Contention of learned counsel for the applicant, that three JCOs mentioned in Para 3 above have been granted Honorary Commission despite being low in merit, is

