

(2015) 03 DEL CK 0211
In the Delhi High Court
Case No : Writ Petition (C) 7677/2013

Ex Sub Maj Prem Nath Soni	Vs	APPELLANT
Union of India and Others		RESPONDENT

Date of Decision : 13-03-2015

Acts Referred:

Citation : (2015) 03 DEL CK 0211

Hon'ble Judges : Pratibha Rani, J.; Pradeep Nandrajog, J.

Bench : Division Bench

Advocate : S.M. Dalal, for the Appellant; Ankur Chibber, Advocates for the Respondent

Final Decision : Dismissed

Judgement

Pradeep Nandrajog, J.—The writ petitioner has challenged the order dated April 08, 2013 passed by the Armed Forces Tribunal dismissing OA No. 432/2012.

2. The claim of the petitioner before the Armed Forces Tribunal was that he should be awarded an Honorary Commission to the rank of Captain/Lieutenant in the year 2012, and for which the petitioner pleaded before the Tribunal that he was entitled to be awarded marks on account of having worked as a Personal Assistant (PA) to a Corps Commander and additionally because he had completed an Army course; being a Russian Language Interpreters course from the School of Foreign Languages of the University of Delhi.

3. With respect of the first contention, the Tribunal has negated the same by reasoning in paragraph 4 of the decision as under:-

"So far as the first part is concerned, that has been an established practice that those who are not JCO Pas, but JCOs working as cannot be given credit and there is no reason for us to take a different view of the matter." 4. With respect to the second contention the Tribunal has referred to a signal/order dated February 25, 2009 (date wrongly noted by the Tribunal in paragraph 5 of the decision as February 24, 2009). As per the Tribunal the said order lists category "A" training

establishments for purposes of Honorary Commission. Since the name of the School of Foreign Language is not included in the lists, the Tribunal has held that the writ petitioner is not entitled to any relief.

5. The policy relied upon by the petitioner for grant of Honorary Commission to JCOs is dated May 26, 2009 and clause 3 thereof requires weightage to be given to Personal Assistants to Corps Commanders. Undisputedly, the petitioner had worked as a PA to a Corps Commander. The reasoning of the Tribunal in paragraph 4 of its decision, contents whereof we have noted above, is far from clear.

6. Learned counsel for the respondents conceded that as penned, nothing of reason emerges in paragraph 4 of the decision.

7. The case of the respondents before the Tribunal was that only those Personal Assistants to Corps Commanders who were from the Army Supply Corps were entitled to the weightage and for which reliance was placed upon the instructions dated October 07, 2010.

8. The instructions require weightage to be given only to those who had worked as Personal Assistants to Corps Commander belonging to the Army Supply Corps.

9. Thus, the petitioner would not be entitled to any weightage on the first point urged.

10. A word of explanation. The reason why personnel only from the Army Supply Corps are given weightage if they discharge duties as Personal Assistants to Corps Commanders is that the JCOs in the said Corps are trained to perform secretarial duties. If due to exigency of service a JCO not from the Army Supply Corps is assigned duties as a Personal Assistants to a Corps Commander he would not be entitled to any weightage.

11. On the second issue the contention of the learned counsel for the petitioner was that the army instructions dated February 24, 2009 simply listed the category of Training Establishments for purposes of Honorary Commission, but did not rule out other institutions being entitled to be included for purposes of grant of Honorary Commission.

12. The petitioner has undergone a course in Russian Language from the School of Foreign Languages with the University of Delhi and would highlight that he was given permission to undertake the course.

13. The office order dated February 24, 2009 reads as under:-

"LIST OF CAT "A" TRAINING ESTABLISHMENTS: HONORARY COMMISSION

A list of Category "A" Training Establishments for the purposes of Honorary Commission is attached to this letter. The same is also included in SAO 3/S/07/GS

Sd/- xx-xx-xx

(KSR Mohan)

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Dir CW-2

For Adjutant General"

14. The order makes a list of Training Establishments for purposes of Honorary Commission.

15. The policy dated May 16, 2002 reads as under:-

"CONSIDERATION OF FOREIGN LANGUAGE COURSE FOR GRANT OF HONORARY COMMISSION

1. Refs :

(a) Your letter No. 1736/HandA/CA-4 dated 03 Apr 2012.

(b) Our letter No.B/43435/AG/CW-2 dated 24 Feb 2009.

2. Only Army courses conducted at Cat "A" Trg Ests as per SAO 3/S/07/GS are given weightage for grant of Honorary Commission."

16. The policy above noted makes it clear that only Army Course conducted at category "A" Training Establishments are to be given weightage for grant of Honorary Commission.

17. Thus, notwithstanding the somewhat unclear reasons given by the Armed Forces Tribunal, we concur with the conclusions arrived at by the Armed Forces Tribunal and thus dismiss the writ petition but without any order as to costs.