

(2021) 11 AFT CK 0008
In the Armed Forces Tribunal
Case No : OA 1883 Of 2021

Maj Gen Rajiv Mohan Gupta

APPELLANT

Vs

Union of India & Ors.

RESPONDENT

Date of Decision : 26-11-2021

Acts Referred:

Citation : (2021) 11 AFT CK 0008

Hon'ble Judges : Rajendra Menon, Chairperson, (J); P.M. Hariz, Member (A)

Bench : Division Bench

Advocate : S.S. Pandey, Harish V. Shankar

Judgement

1. Pursuant to our order dated 15.11.2021, wherein it had been intimated by Respondent No. 1 that the Review Special Promotion Board (AFMS) was to be re-convened on 22.11.2021 and it was decided that the matter regarding interim prayer would be examined consequent to the holding of Review Special Promotion Board on 22.11.2021.

2. The matter has been heard today, wherein the learned counsel for the applicant has once again reiterated the issue that the case of the applicant herein along with the applicant in O.A. No. 934 of 2021, namely, Maj Gen Sharad Bhatnagar, were both considered by the Review Special Promotion Board and based on this review, the decision of the 5th Vacancy in the Special Promotion Board 2021 was to be taken. The counsel strongly urged that the Tribunal may take into consideration the Review Board and also examine the decision arrived at in the Special Promotion Board of 2021 and he vehemently argued that instructions be issued to Respondent No. 1 to declassify the results at the earliest. The counsel also stated that considering the fact that the results of both the review and the Special Promotion Board (5th Vacancy) are yet to be declassified, the retirement of the applicant may be stayed.

3. Respondent No. 1 produced before us the proceedings of the Review Special Promotion Board held on 22.11.2021 and the matter has been perused.

4. Having heard both the learned counsel for the parties and having seen the records placed before us, we are of the opinion that the pending final decision by the Competent Authority on the Review Board and consequentially on the 5th vacancy in the Special Promotion Board of 2021, the retirement of the applicant be kept in abeyance.

5. List the matter for further hearing on 17th January, 2022 at 2:00 P.M.

'Dasti'.