

(2020) 02 AFT CK 0026

In the Armed Forces Tribunal

Case No : Original Application No. 1167 Of 2019

M.S Shergill

APPELLANT

Vs

Union Of India And Others

RESPONDENT

Date of Decision : 18-02-2020

Acts Referred:

Citation : (2020) 02 AFT CK 0026

Hon'ble Judges : Rajendra Menon, J;Philip Campose, Member (A)

Bench : Division Bench

Advocate : S.S. Pandey, K.S. Bhati

Final Decision : Dismissed

Judgement

1. Aggrieved by the order of the respondents (GOI/MoD), vide letter dated 15.02.2019, rejecting his statutory complaint against nonempanelment for promotion to the rank of Maj General in the No 1 Selection Board (SB) held in October 2017, the applicant, a serving officer of the Army Ordnance Corps (AOC) in the rank of Brigadier, has filed this original application (O.A) seeking the following reliefs:

(a) Examine the entire records of No. 1 SB (AOC) conducted in October 2017 and set aside the same in case the applicant's pre-Board merit is found

to be better than that of the last empanelled officer of his Batch;

(b) Examine the file wherein the Statutory Complaint against non-empanelment in No.1 SB in respect of the applicant was considered/rejected and set aside the same; and

(c) Direct the respondents to remove the entire assessment of the IO/RO/SRO in the CR covering the period from 04.05.2016 to 01.08.2016.

2. Heard the learned counsel on both sides and perused the pleadings and

documents on record, including the CR Dossier, Statutory Complaint file and File of No.1 SB (AOC) 2017 which were handed over after the hearing on 14.02.2020.

3. Mr. 5.5 Pandey, learned counsel for the applicant has, very fairly, contended that he will be satisfied in case the Tribunal peruses the documents

pertaining to No.1 SB (AOC) in respect of the applicant and checks whether his pre-Board comparative merit did not come down after adding of

Value Judgment (VJ) marks by the Board, due to which his promotion prospects were affected negatively.

4. Accordingly, we perused the proceedings of No. 1 SB held on 14.10.2017 wherein fifteen (15) Brigadiers of AOC were considered against two

(02) vacancies in Maj. Gen rank. We find that neither did the applicant figure in the first two positions in the Order of Merit in the pre-Board ranking

(out of 95 marks) nor in the Board ranking, after VJ marks (out of 05 marks) were allotted by the Board. We also find that in no way were the

promotion prospects of the applicant affected adversely by award of VJ marks. Thus, the O.A. lacks merit and the main prayer is liable to be

rejected.

5. Mr. K.S. Bhati, learned senior Central Government Standing Counsel appearing for the respondents, has averred that the applicant's Statutory

Complaint was duly examined and analysed in detail along with relevant documents in keeping with his overall profile. The impugned CR 05/16-08/16

was found to be well corroborated, technically valid, performance based and devoid of any bias/ subjectivity. Hence, his statutory complaint was

rejected vide order dated 15.02.2019. On perusal of the relevant documents submitted by the respondents confirm this contention of the respondents.

6. In the result, the O.A. is found to lack merit and is disallowed.

7. No order as to costs.

Pronounced in open Court on this the 18th day of February 2020.