

FORM NO. 4

**(See Rule 11 (1))
IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH**

ORDER SHEET

6.

O.A. No.209 of 2012

Hav./Clk (SD) Lavhate Sharad Baban

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

For petitioner: Petitioner in person

For respondents: Mr. Ajai Bhalla, Advocate

CORAM:

HON'BLE MR. JUSTICE A.K. MATHUR, CHAIRPERSON.

HON'BLE LT. GEN. S.S.DHILLON, MEMBER.

Notes of the Registry	Orders of the Tribunal
28.08.2012	Order passed vide separate order sheet is placed on record. Petition is disposed of.

**A.K. MATHUR
(Chairperson)**

**S.S. DHILLON
(Member)**

**New Delhi
August 28, 2012
rsk**

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ORDER

28.08.2012

This O.A. has been filed by the petitioner in execution of the order passed by Hon'ble Kochi Bench in O.A. No.02/2010 dated 09.11.2010, whereby the direction was given to respondent No.2 to pass an order promoting the applicant to the rank of Naik/Clerk after the date of his passing PFC-1 on 10.01.1996; necessary occurrence report will be published and arrears of pay and other benefits in the rank of Naik/Clerk will be credited to him till the date of his discharge on 31.08.1997. It was also directed to issue orders treating petitioner's enrolment in DSC on 04.06.1998 in the rank of Naik/Clerk and the petitioner was held entitled to get all consequential benefits such as seniority and promotion since then.

Respondents have filed their reply and have already stated that so far as promotion is concerned, as per policy in vogue individuals who are to be re-employed as NCO will be re-enrolled in the rank of Sepoy and will be promoted to the requisite non-commissioned rank after they have been

attested and their documents verified; the petitioner has been promoted to the rank of paid acting Naik (Clerk) w.e.f. the date of his attestation on 22.08.1998 with seniority w.e.f. the same date and occurrence to this effect has been notified in DSC Records Part II order dated 21.11.2001; arrears of pay and allowances due to grant of Nk rank w.e.f. 22.08.1998 have been calculated to Rs.60,001/- and submitted to line directorate (DDG DSC) at IHQ of MoD (Army) along with audit report for getting the charged expenditure noted by MoD/Finance (Defence) before releasing the payment to the individual vide CDA Kochi letter dated 20.03.2012.

Therefore, all the benefits, which have been directed to be given by the respondents have already been given to the petitioner. The petitioner's only grievance which remains is with regard to promotion, which shall be given to him as and when he is eligible in all respects and comes in the zone of consideration. The respondents should consider the matter of promotion of the petitioner as and when any person junior to him is promoted.

Petition is, accordingly, disposed of.

A.K. MATHUR
(Chairperson)

S.S. DHILLON
(Member)

New Delhi
August 28, 2012
rsk