

FORM NO. 4

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

ORDER SHEET

10.

**O.A. No. 459 of 2011
With M.A. No. 416 of 2011**

Naib Risaldar Pakhar Singh

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

For petitioner: Mr. K. Ramesh, Advocate.

For respondents: Mr. S.K. Sethi, 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
25.09.2012	Order passed vide separate order sheet is placed on record. Petition is dismissed with no order as to costs.

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

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

**New Delhi
September 25, 2012**

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IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

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ORDER

25.09.2012

1. Petitioner by this petition has prayed that issue direction to the Respondent to call for the Service Dossier with ACRs and if the impugned ACR of 2003-2004 and other ACRs are subjective and inconsistent then it may be quashed and set aside in terms of Army Order setting aside the Armed Corps Records Discharge Order dated 9th September 2008 and Petitioner may be promoted with ante date seniority to meet the ends of justice.

2. Petitioner was enrolled in the Army on 9th September 1983 and with the passage of time he rose to the position of Naib Risaldar but he could not make it to the post of Risaldar in the DPC which was held in 2005. The Respondents replied that for promotion from Naib Risaldar to Risaldar, the requirement is that the Petitioner should have three reports which should not be less than 'Above Average'. Petitioner's report for the year 2004 is 'Average' and, therefore, he could not make it to the post of Risaldar. After

going through the original record and minutes of the DPC which has been placed before us we are satisfied that Petitioner could not make it because of the ACR criteria. Hence, there is no merit in this petition and same is dismissed with no order as to costs.

A.K. MATHUR
(Chairperson)

New Delhi
September 25, 2012
dn

S.S. DHILLON
(Member)