

COURT No.2  
ARMED FORCES TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

24.

OA 1661/2022 WITH MA 1193/2023,  
MA 2219/2022 AND MA 2297/2023

Col J S Rathore	.....	Applicant
VERSUS		
Union of India and Ors.	.....	Respondents

For Applicant	:	Mr. Abhijeet Singh, Advocate
For Respondents	:	Mr. Anil Gautam, Sr. CGSC

CORAM

HON'BLE MS. JUSTICE ANJANA MISHRA, MEMBER (J)  
HON'BLE LT GEN P. M. HARIZ, MEMBER (A)

ORDER  
10.07.2023

MA 1193/2023

This application has been wrongly shown in the list. It already stands disposed of vide order dated 2<sup>nd</sup> May, 2023. Therefore, no orders on this application are required.

MA 2297/2023

This application has been filed seeking permission to file an amended OA. Learned counsel for the applicant while drawing our attention to the amended OA 1661/2022 submits that during the pendency of the OA his grievances were partially redressed inasmuch as the statutory complaint dated 26<sup>th</sup> September, 2022 filed by the him was acted upon and partial redressal was granted but in sum and substance the cause still survives as a portion has not yet been

redressed. He also submits that prayer mentioned in the amended OA are enumerated below are also to be adjudicated by this Tribunal in continuation of the original application filed by him earlier and it is for these reasons that the amended OA has been filed:

*“A. Issue directions to summon all service records of the applicant and ascertain the malafide alleged, in terms of mismatch between the numeric grading and pen picture of the officer.*

*B. Issue directions to restore the original seniority of the applicant with the seniority of 1995 Batch.*

*C. Issue directions to set aside the alleged CRs i.e. June 2004 to November 2004; January 2005 to January 2006; June 2008 to May, 2009 and June 2010 to May 2011.*

*D. Issue directions to set aside any moderation carried out by the respondent without intimation to the applicant.*

*E. Issue to directions to conduct Special Board No.2 for the rank of Brigadier before June – July, 2023 in light of equity with his batch mates so that the applicant be timely promoted before his age of superannuation on 31.12.2023.*

*F. Pass directions to allow the applicant the same number of chances for his Brigadier's board as his original Batch in light of his specific facts and circumstances, and his extraordinary contribution to the Nation's armed forces.*

*G. Pass any other order in the interests of justice, equity and good conscience.”*

3. Learned counsel for the respondents submits that certain additional parties are now sought to be included in this amended OA which will require response from the Department, if at all included in the OA.

4. The amended OA is taken on record and while allowing the MA, we direct the respondents to file a fresh counter affidavit to the prayers incorporated therein within a period of four weeks.

5. MA stands disposed of.

**OA 1661/2022 WITH MA 2219/2022**

6. List again on 22<sup>nd</sup> August, 2023.

**(ANJANA MISHRA)  
MEMBER (J)**

**(P. M. HARIZ)  
MEMBER (A)**

**Neha  
OA 1661/2022**