

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

4.

MA 612/2020 IN OA 2002/2018

Ex Sub Gopi Chand	.....	Applicant
VERSUS		
Union of India and Ors.	.....	Respondents

For Applicant	:	Mr. U.S. Maurya, Advocate
For Respondents	:	Mr. Shyam Narayan, Advocate

CORAM

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

ORDER  
22.03.2023

MA 612/2020

The respondents have complied with the order dated 19<sup>th</sup> September, 2019 and vide letter dated 1<sup>st</sup> February, 2023, the decision was taken to convene this supplementary DPC to reconsider the case of the applicant for promotion to rank of Subedar Maj (AMB) Assistant. The said exercise was undertaken and on 7<sup>th</sup> February, 2023 the DPC was duly constituted and considered the case for promotion of the Ex Sub Gopi Chand, applicant herein. We find that due consideration has been given and the applicant has been declared but not selected due to low merit in overall performance.

Paragraph 5 of the letter dated 21<sup>st</sup> February, 2023 produced before us, copy whereof has also been served on learned counsel for the applicant, is quoted hereunder:

“5. In order to comply the Hon’ble Tribunal order dated 19 Sep 2019 and 18 Oct 2022, Integrated HQ of MoD (Army)/DGMS-3D letter No B/74303/G-105/DGMS-3D (Legal) dated 25 Jan 2023 has accorded necessary sanction to conduct the supplementary DPC for the year 2017 and the was carried out at AMC records on 07 Feb 2023 in accordance with the provision contained in Integrated HQ of MoD (Army) letter No B/33513/AG/PS-2 (c) dt 10 Oct 1997. The recommendations/findings of the Supplementary DPC Board are as under:-

“The supplementary DPC has re-considered JC-699865K Ex Sub (Amb Asst) Gopi Chand for the DPC 2017 and the Supplementary DPC-2017 by taking the ACR grades for the year 2012 (the ACR imdt preceding the last ACR taken by DPC-2017 and Supplementary DPC-207) to fulfill mandatory required minimum number of ACRs (i.e 05 ACRs) and by allotting the marks for Potential Instructor Course (PIC). This Supplementary DPC declares JC-699865K Ex Sub (Amb Asst) Gopi Chand NOT SELECTED due to low merit in Overall Performance (OAP) based selection system.”

As such, we find that there has been due compliance of the order dated 19<sup>th</sup> September, 2019.

MA 612/2020 is accordingly disposed of with liberty to the applicant to take appropriate legal recourse in accordance with the law.

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

**(C. P. MOHANTY)**  
**MEMBER (A)**

**Priya/Namita**