

**COURT NO. 1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

36.

MA 939/2023 WITH MA 972/2024 IN OA 1804/2021

Hav Madhawendra Mishra Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Rajiv Manglik, Advocate
For Respondents : Mr. Rajeev Kumar, Advocate
Maj Lauv Kumar, OIC Legal Cell

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE LT GEN C.P. MOHANTY, MEMBER (A)

ORDER
26.04.2024

MA 939/2023

Vide order dated 02.01.2023 passed by this Tribunal in OA 1804/2021, we have directed the respondents to grant promotion to the applicant to the rank of Nb Sub and all other consequential benefits, post his acquittal in the criminal case. It is submitted by the respondents that certain difficulties were encountered by them while executing the orders for promotion. Since the applicant is no longer in service having been retired during the pendency of this case, his promotion could not be given effect to.

2. In the interest of justice, the reinstatement of the applicant being essential precursor to execution of our orders for his promotion, we direct the respondents to do so

retrospectively from the date of his acquittal from the criminal case and consequently grant him promotion w.e.f. the date he is due for such promotion with all other consequential benefits. These orders will be given effect within two months from the issuance of this order.

3. Keeping in view of the above, the MA is disposed of.

**[JUSTICE RAJENDRA MENON]
CHAIRPERSON**

**[LT GEN C.P. MOHANTY]
MEMBER (A)**

Ps
MA 939/2023