

COURT No.1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

81.

OA 1106/2022

Maj Gen H Dharmarajan	Applicant
VERSUS		
Union of India and Ors.	Respondents

For Applicant	:	Mr. S. S. Pandey, Advocate
For Respondents	:	Mr. Rajeev Kumar, Advocate
		Col Sarika, OIC, Legal Cell

CORAM

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

ORDER
14.10.2022

During the course of hearing of the matter, we find that in para 4 of the order deciding the statutory complaint filed by the applicant, the following are mentioned:

“4. The General Officer’s apprehension regarding mention of ‘Reproof’ in the impugned CR also appears misplaced. There is no mention of “Non-recordable Reproof” by any of the reporting officers in the CR. Moreover, it is pertinent to highlight that as per MoD note ID No 25 (1)/2017-D (MS) dated 05 Sep 17, non-recordable censures are not placed before Selection Boards (SSB and SB 1).”

2. The counter affidavit filed by the respondents does not explain this position in any other manner as can be understood by a bare reading of para 4 reproduced herein above. However, today during the course of hearing learned representative of the Department pointed out certain facts

before us which go to show that in the reproof awarded to the applicant the term ‘non-recordable reproof’, as coined by the applicant, is nowhere mentioned in the policy pertaining to award of reproof. She, however, submits that she is not aware as to what had transpired in the proceedings before the Selection Board with regard to consideration of the reproof as the Selection Board proceedings are in a sealed cover. However, it is now tried to be argued that the reproof awarded to the applicant can be brought to the notice of the Selection Board or brought on record based on the circumstances which she is explaining in the submissions being made. All these facts do not form part of the counter affidavit nor do they seem to be in conformity with the reasons indicated in the order passed on the statutory complaint vide para 4 (as reproduced hereinabove). Therefore, we direct that an additional affidavit be filed, both by a competent officer of the Union of India (who had decided the statutory complaint) and of the Army, indicating as to how the reproof awarded to the applicant was dealt with in the matter of selection or non-selection of the applicant in the present case.

3. Ten days time is granted to the respondents to file the additional affidavit.

4. List the matter on 4th November, 2022.
5. Let a copy of this order be provided ***DASTI*** to learned counsel for both the parties.
6. **PART HEARD.**

(RAJENDRA MENON)
CHAIRPERSON

(P.M. HARIZ)
MEMBER (A)

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