

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

57.

**OA 2133/2023**

**Sub (Clk/SD) Thakur Akhileshwar Singh Parmar** ... **Applicant**

**Versus**

**Union of India & Ors.** ... **Respondents**

**For Applicant** : Shri S.S. Pandey, Advocate

**For Respondents** : Shri K.K. Tyagi, Advocate  
Maj Sridhar J, OIC Legal Cell

**CORAM :**

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

**O R D E R**  
**29.08.2023**

It is submitted by learned counsel for the applicant that in case the prayer for interim relief is not considered the applicant may suffer adverse consequences.

2. Having heard learned counsel for the parties, we find from the impugned order that the promotion of the applicant to the rank of Sub Maj was denied on account of the punishment imposed on him.

3. It is the case of the applicant that the punishment imposed by the competent authority was recalled and set aside which was subsequently reviewed and re-imposed only for harassing the applicant and denying him the benefit of the promotion. Contending that the punishment which was re-imposed by exercising the powers under Para 442 of the

Defence Service Regulations (Revised Edition 1987) on 25.02.2022 was nothing but a mala fide action only to deny promotion to the applicant would result in his discharge and it may cause serious prejudice to the applicant.

4. Having heard learned counsel for the parties on the issue of staying the promotion, we are of the considered view that merely because of the powers of reviewing the order setting aside the punishment having been exercised by the competent authority concerned without examining the material on record, at this stage, no case is made out for granting any interim relief. Ultimately after hearing all concerned, if it is found that review of the decision to set aside the punishment was undertaken with mala fide intention and only to deprive the applicant the benefit of promotion, the relief can be granted to the applicant and he can be restored to its original position and promotion granted.

5. Taking note of all these circumstances for the present, we see no case for granting any interim relief. Respondents are directed to file their counter affidavit positively within four weeks. Rejoinder, if any, may be filed within two weeks thereafter.

6. List the matter again on **16.11.2023**.
7. A copy of this order be provided '**DASTI**' to learned counsel for the parties.

**[RAJENDRA MENON]  
CHAIRPERSON**

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

*Neha*  
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