

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

225.

OA 463/2019

Lt Col Ray Gautam Prasad Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Indra Sen Singh and Mohd. Nasir
And Vabavi Sharma, Advocates

For Respondents : Mr. Harish V Shankar for R 1-3 and
None for R-4, Advocate

CORAM

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

ORDER
13.09.2024

During the course of hearing today, learned counsel for the applicant argued the matter and pointed out that in OA 163/2015 decided by the Regional Bench Lucknow in the instance of the application vide order dated 19.07.2017 Annexure A-10 in para 27 and 28 the following relief were granted:

“27. We have perused the original record of the applicant and find the argument of learned counsel for the applicant that specialized courses undergone by the applicant do not find mention in the ACR awarded by the IO in the ACR for the period 01.09.2009 to 31.05.2010 on the face of the record is correct. Para 34 (b) (supra) mandates inclusion of the courses done by the ratee and his performance in these courses, especially career courses, for providing an important input while assessing his/her performance. Non-mention of the courses in the CRs may prejudice a ratee in his future

progression in service career especially keeping in view the pyramidal structure of the Army.

28. In view of the above, the O.A. is accordingly partly allowed. The ACRs for the period Jun 2007 to May 2008 and Jun 2008 to Dec 2008 are expunged. Order dated 29.04.2013 is set aside to the extent it provides that all the Confidential Reports in the reckonable profile of the applicant are well corroborated, performance based and technically valid. Let a Special Selection Board be constituted within three months to consider the applicant for promotion to the rank of Col (selection grade) with bench mark of immediate junior batch mates to the applicant in view of his changed profile”.

2. The applicant has infact called in question in para 8(C) of the counter affidavit, respondents admitted the aforesaid decision, however, it the grievance of the applicant that while considering his case as the case of special review after partial redressal granted by the Lucknow Bench his ACRs for the period 01.06.2007 to 31.05.2008 and 01.06.2008 to 31.12.2008 have not been updated and the Selection Board considered case of the applicant based on the CRs as were existed prior to the Judgment of the Regional Bench Lucknow. As a consequence, thereafter, the applicant has not been properly considered by the Review Selection Board in accordance of his merit. In support of his contention he produces before us paramount card issued to the applicant on 07.01.2024 to establish the aforesaid fact by referring to

by the page 5 of the paramount card. We have taken note of the aforesaid, the respondents are directed to produced ACR dossiers and the Selection Board Proceedings which considered the case of the applicant after the judgment of the Regional Bench Lucknow so that this grievance of the applicant can be examined by verifying the original ACR dossiers and the Selection Board Proceedings and Promotion Board Proceedings.

3. Part heard.
4. List the matter on 20.09.2024.

**[JUSTICE RAJENDRA MENON]
CHAIRPERSON**

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

/kt/