

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

114.

OA 2805/2021

Maj Paramjeet Singh	Applicant
Versus		
Union of India & Ors.	Respondents
WITH		

115.

OA 1812/2019 with MA 2694/2019

Maj Saurav Negi (Retd.)	Applicant
Versus		
Union of India & Ors.	Respondents

For Applicant	:	Mr. SS Pandey, Advocate
For Respondents	:	Mr. Rajeev Kumar, Advocate
	:	Ms. Jyotsna Kaushik, 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
22.05.2024

In pursuance to the orders passed on 8th May, 2024, the respondents were to seek instructions and inform us with regard to the difficulty in issuing the certificate as indicated in the said order.

2. Learned counsel for the respondents, on instructions from the Department, informs us that the Competent Authority to issue such a certificate has not been identified and there is some doubt with regard to the Competent Authority who can issue the certificate in terms of the directions issued by this Tribunal on 8th May, 2024 and the extant policy in this regard. However, learned counsel for the applicant submits that he would be satisfied if the Zila Sainik Board, Amritsar is issued a direction by this Tribunal to issue the certificate indicating the following three aspects of the matter:

i) It is certified that IC 77056 M Ex Major Paramjeet Singh, DOB-is 19 May 1989 has served in Army

from 09 June 2012 to 26 March 2019 for the period of 6 years and 11 months.

ii) He qualifies for age relaxation under as per DOPT Circular dated 27 March, 2012.

iii) He is to be provided ex serviceman status for the limited purpose of taking entrance exam by State and Union.

3. With regard to point No.(iii), i.e., providing Ex Serviceman status, there being various rival contentions, it is not appropriate for us to direct the Zila Sainik Board, Amritsar to include the wording as contained in para (iii) above. Instead we direct that on the applicant's filing a copy of this order along with the particulars of the service rendered by him in the Indian Army, the Competent Authority in the office of Zila Sainik Board, Amritsar shall issue the certificate in terms of para 2(i) of this order. Once the aforesaid certificate is produced by the applicant before the Punjab Public Service Commission for seeking civil appointment, the examining authority shall be within its right, based on the aforesaid certificate and the provisions of para 2(v) of the DOPT Circular No.15012/2/2010-Estt.(D) dated 27th March, 2012 which is quoted herein below, to take a decision in the matter and, if permissible, grant Ex Serviceman status to the applicant for participating in civil service examination:

“2. (v) “Ex Servicemen” means a person, who has service in any rank (whether as a combatant or a non-combatant), in the Armed Forces of the Union, including the Armed Forces of the former Indian States, but excluding the Assam Rifles, Defence Security Corps, General Reserve Engineering Force, Lok Sahayak Sena and Territorial Army, for a continuous period of not less than six months after attestation, and (i) has been released, otherwise than at his own request or by way of dismissal or discharge on account of misconduct or inefficiency, or has been transferred to the reserve pending such release, or (iii) has been released at his own request after completing five years service in the Armed Forces of the Union.”

4. We have not expressed any opinion on the merits of the case and all legal points have been left open for being considered in an appropriate case. The aforesaid directions are being issued in the peculiar facts and circumstances of this case and shall not be treated as a precedent.

5. List the matter on 26th July, 2024.

6. Let a copy of this order be provided **DASTI** to learned counsel for the parties.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

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

/vks/