

**COURT No.2
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

Directions

B.

OA 1117/2018

Lt Col Rajesh Khokhar Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Rajiv Manglik, Advocate
For Respondents : Dr. Vijendra Singh Mahndiyan, Advocate

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
24.07.2025

The matter was reserved for orders vide order dated 14.07.2025.

2. During the course of submissions made on behalf of the respondents much reliance has been placed on AO 9/2005 as well as the Appendix thereto. The respondents during the course of the instant hearing produced the records qua the applicant on 10.03.2025 which have been perused by us.

3. A perusal of PC File no.-37852/Col(TS)/2014/MS-8A in relation to the grant of substantive rank of Col(TS) by No. 3 SB held in December, 2014 indicates that as placed thereon is a copy of a document of August, 2009, i.e. an Army Order bearing no. 11/2009/PS in relation to Wearing of Badges of rank(Officers), Col by Timescale(TS) which is an Amendment

no. 1 after Para-4(b) to the Appendix to AO 9/2005 by an addition of sub para-4(c). The said Army order reads to the effect:-

“After existing sub para 4(b) to the appendix to AO 9/2005/PS. Add sub para4(c)“The disciplinary/ administrative award of permanent nature of the officer will be taken into account while considering him for grant of substantive rank of Col (TS). However, officers with administrative award of temporary nature (like Recordable Censure) will be deferred for grant of the said rank till the award ceases to be operative (ie. after completion of three years from the date of award),without loss of reckonable seniority on this account.”

4. It is essential to observe that there were no submissions made, i.e. neither on behalf of the respondents nor on behalf of the applicant in relation to Army Order AO 11/2009(PS) of August, 2009. In the circumstances, the respondents shall place on record all relevant amendments made to AO 9/2005/PS from the date of its issuance till date within a period of three weeks from today with a copy thereof being placed on the record with a copy being supplied to the applicant through counsel.

Re-list the matter on **28.08.2025**

**(JUSTICE ANU MALHOTRA)
MEMBER (J)**

**(REAR ADMIRAL DHIREN VIG)
MEMBER (A)**