

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

66.

OA 443/2020

Brig Porandla Suresh Kumar Patel (Retd.) Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Anil Srivastava, Advocate
For Respondents : Dr. Vijendra Singh Mahndiyan, Advocate with
Ms. Apoorva Mahndiyan, Advocate

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE MS. RASIKA CHAUBE, MEMBER (A)

O R D E R
28.03.2025

In reply to a specific Court query, learned counsel for the applicant submits that the applicant retired on 13.03.2019. In view of averments made in Para-7(b) and (c) of the Counter affidavit of the respondents to the effect:-

“(b) It is most respectfully submitted that Para 14 of the extant Promotion Policy dated 05.02.2016 states that the Officers in possession of any of the gallantry awards will be awarded marks, as mentioned against each in the first Promotion Board, the officer is exposed after being conferred with the award, hypothetically, as illustrated above, having assumed that the Applicant was considered in the Promotion Boards No.2 (AMC) for the Promotion from Col to Brig held on 26.11.2012, 20.11.2013 and 17.11.2014 with his changed profile after awarding him marks (0.75) for Sena Medal (Gallantry), he would not be entitled for the same in the Promotion Board No-1 (AMC) for the rank of Maj Gen held on 28.02.2018 as per extant Promotion Policy.

(c) However, only for the sake of argument without acceding to the contention made by the Applicant, it would be against the prevalent policy and to put the contention into its correct perspective, it is stated that even if the Applicant is awarded marks for his

Sena Medal (Gallantry) in the Promotion Board No-1 (AMC) for the rank of Maj Gen held on 28.02.2018 and on 19.11.2018, as prayed for, the final grading "Not Selected" would not change. Therefore, the instant OA if allowed shall not serve any purpose, hence liable to be dismissed.”

the respondents are directed to produce the ACR records qua the applicant for the years 2018-2019 and the Promotion Board proceedings for the year 2018 be also produced in original by the respondents.

Re-list the matter on **28.07.2025**

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

**(RASIKA CHAUBE)
MEMBER (A)**

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