

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

51.

MA 1487/2025 IN OA 2568/2023

RHM (TIR) Munnu Singh	Applicant
Versus		
Union of India & Ors.	Respondents
For Applicant	:	Mr. Rajiv Manglik, Advocate
For Respondents	:	Mr. K K Tyagi, Sr. CGSC

CORAM

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

O R D E R
17.04.2025

MA 1487/2025

This application has been filed seeking execution of the order passed by this Tribunal on 16.07.2024 in OA 2568/2023, The directions issued in Paras 18 to 21 of the said order are relevant and read as under:

18. We cannot shy away from the fact that the AAD is under shortage of the PC (SL) officers, with the applicant being one of the qualified PC (SL) officer and Para 5 of the aforesaid letter casts a responsibility on the Cdrs and COs to encourage more JCO/OR for SCO and PC (SL), thereby, leaving enough room for a one time relaxation, especially when the Corps is undergoing shortage of TEO officers, with no compromise on the qualitative aspect, with the applicant being fully qualified through the same process.

19. In view of the aforesaid discussion, we are of the opinion that Respondents ought to have taken a holistic view on the issue which is not only beneficial for the career growth of the applicant, but is also in betterment of the organisation and that a compassionate view is also required to be taken on the issue.

20. Therefore, without any comment upon the existing policy framework before us, we direct the respondents to consider afresh the application of the petitioner seeking grant of PC (SL) in AAD (TEO) category, in the background of above discussion. The respondents are directed to give effect to such reconsideration within a period of 30 days from the date of pronouncement of this order, and convey the same to the applicant.

21. Consequently, this OA is disposed of in terms of aforesaid directions.

2. Taking note of the peculiar facts and circumstances of the case, this Tribunal issued specific directions to the respondents to decide the matter within 30 days, keeping in view the fact that the applicant would become overage if the order was not implemented within the stipulated time.

3. However, despite the lapse of more than nine months, the respondents have failed to implement the order. It now appears that the respondents seek to take the plea that the applicant has since become overage, and therefore, the benefit cannot be granted to him.

4. We make it abundantly clear that if the respondents have failed to implement the order within the 30 day period as directed, it shall be deemed that this Tribunal has granted age relaxation to the applicant. Accordingly, the applicant shall be entitled to the full benefit of the order, even if he has, in the meantime, crossed the prescribed age limit.

5. It shall further be deemed that by operation of law and in view of the callous, lethargic, and indifferent attitude of the respondents in dealing with the matter, the applicant has been granted appropriate age relaxation, which shall continue to remain in force unless and until the said order is implemented, modified, or interfered with by a Higher Court.

6. List again on **29.05.2025**.
7. Let a copy of this order be given ***DASTI*** to both the parties.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

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

/Ps/
MA 1487/2025