

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

2.

OA 2634/2023

Col Vedvrat Vaidya

... Applicant

Versus

Union of India & Ors.

... Respondents

For Applicant : Mr. Piyush Thakran, Udghosh & Kanishk
Parmar (Thakran and Thakran), Advocate

For Respondents : Mr. K K Tyagi for R-1 to R-5, Advocate

CORAM :

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

O R D E R
11.10.2023

Notices be issued to the respondents for the purpose of considering the question on stay. Today, the respondents pray for a week's time to file the objection to the stay application. However, we heard learned counsel for the applicant on the question of stay and primarily the ground is that as the R 5 has not passed the Part 'C' examination which is a mandatory requirement for being promoted to the substantive rank of Lt. Col is not eligible for being granted promotion. Learned counsel has referred to the guidelines for implementation of the the TA regulations and the policy dated 19.04.2006 in support of the aforesaid contention.

It is further stated that the applicant does not fulfill the conditions stipulated in Para 2 ((b)(i) of the communication Annexure A10 dated 03.03.2015. Based on the aforesaid contention, learned counsel wants that the promotion of R 5 which has been passed on 07.08.2023 be stayed and be not given effect to.

Even though we had expressed our opinion with regard to non grant of stay at the time of hearing but after going through the records, we find that the promotion of R 5 is to take effect from 01.11.2023. That being so, we deem it appropriate to give one more opportunity to the respondents to give their say on the grounds canvassed by the applicant and thereafter decide the question of stay.

Respondents are directed to file short affidavit and inform us as to whether the aforesaid assertions made by the applicant are correct or not.

OIC, Legal Cell informs us that R 5 has received the notice. That being so he should also file his counter affidavit/objection before the next date.

List the matter on **30.10.2023** to consider the prayer for interim relief.

‘DASTI’.

**[JUSTICE RAJENDRA MENON]
CHAIRPERSON**

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

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