

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

22.

OA 3253/2023

DFR Kishore Kumar Poddar ..... Applicant  
VERSUS  
Union of India and Ors. .... Respondents

For Applicant : Mr. Manoj Kr Gupta &  
Prachi Chaturvedi, Advocate  
For Respondents : Ms. Sheetal Raghuvanshi, Advocate

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)  
HON'BLE LT GEN P. M. HARIZ, MEMBER (A)

ORDER  
25.10.2023

The applicant vide the present OA makes the following prayers:-

- A. Direct the Respondents to allow the Applicant to pick up the next rank of Nb Risaldar on 01 Nov 2022 with ante date seniority or any later date, against the next existing vacancy, by giving 02 months waiver in age of 44 years, in light of denial of 02 chances in Apr 2021 and Jan 2022 due to national lockdown of COVID-19 and during said period limitation period has already been waived by Hon'ble Supreme Court; and/or*
- B. Directions to the Respondents to produced record of Cadre Course of 1 and 2 Chances, wherein Applicant declared failed by 01 marks and also produce copy of MoD letter B/33513/DPC/AG/PS-2(e) dt. 04 Apr 2018 based on which sanction of Competent Authority were sought by the Unit to waive off the all limit as per Para 149(c) of Regs of the Army 1987; and/or*

*C. Direct the Respondents to disclose the number of person including PBOR and Officers given waiver of age in granting promotion in light of the Policy dt. 18 Nov 2005 (Annex-A5/colly) and Res 149(e); and/or*

*D. Appropriate direction to enable applicant to get his next due promotion of N/Sub/Risaldar against the next available vacancy with age waiver of 02 months in terms of Regs 149(c) read with Para-3 of Policy dt. 18 Nov 2005, as special case;*

*E. Ad interim ex parte direction to withhold all further promotion of Naib Risaldar in Applicant trade/group till grant of promotion to him as per exiting provision as stated above or during pendency of this Case; and/or*

*F. Any other just and equitable order in the interest of justice may kindly be passed.*

Notice of the OA is thus issued and accepted on behalf of the respondents. The counter affidavit of the respondents be filed within a period of four weeks. Rejoinder, if any, thereto be filed by the applicant within a period of four weeks thereafter.

List the matter before the Principal Registrar on 08.01.2024 for completion of pleadings and before the Bench thereafter.

(JUSTICE ANU MALHOTRA)  
MEMBER (J)

(LT GEN P. M. HARIZ)  
MEMBER (A)