

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

38.

OA 606/2017 in MA 1524/2017 & 524/2017

Col (TS) Sudeep Roy **Applicant**
VERSUS

Union of India and Ors. **Respondents**

For Applicant : **Mr. Anil Srivastava, Advocate**

For Respondents : **Mr. Avdhesh Kumar Singh, Advocate**

CORAM

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

HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

O R D E R
12.07.2024

On behalf of the respondents it has been submitted pursuant to directions dated 11.10.2023 that the communication of the copy of GOI MoD Order No. 15(74)/2010/D (Medical) dated 25.05.2010 in response to Statutory Complaint submitted by the applicant had been communicated vide letter dated 07.06.2010 to the Head Quarters Sgt Command (vide letter no. 10026/SC/DGDS-1) but that so far the respondents have not been able to trace out the communication of this letter to the applicant.

2. It is however, submitted on behalf of the respondents that as per annexure A-3 to the OA as per the second Statutory Complaint made by the applicant dated 28.02.2014, there is mention in the main body of the Statutory Complaint at page 26 made by the applicant to the effect :~

“(a) I had put up a statutory complaint dated 02 Jun 2009 against my non-empanelment in promotion

board No. 3 held on 22 Dec 2008, which was disposed off vide GOI, MoD Order No. 15(74)/2010/D(Medical) dated 25 May 2010 & was rejected on the grounds of being devoid of merit.”,

to indicate that a Statutory Complaint dated 02.06.2009 against non-empanelment in Promotion Board No. 3 held on 22.12.2008 was disposed of vide GOI, MoD order no. 15(74)/2010/D(Medical) dated 25.05.2010.

3. During course of submissions made on behalf of the respondents, reliance is placed on SO8/S/91 to be placed on record by the respondents with a copy being supplied to the applicant.

4. The documents as directed vide order dated 01.05.2024 i.e. the complete Dossiers and profile with a comparative chart of the assessment from the year 1993 onwards till 2007 which have been produced by the respondents today, be produced on the next date of hearing alongwith the records and processing files of both Statutory Complaints dated 02.06.2009 and 28.02.2014.

5. The matter be re-notified for hearing on **19.07.2024** at **12.30 p.m.**

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

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