

**IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH
AT NEW DELHI**

TA NO.232/2009

[WP(C) No. 216/95 of Delhi High Court]

Comm. Chander Narayan

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

CORAM:

**HON'BLE MR. JUSTICE A.K. MATHUR, CHAIRPERSON
HON'BLE LT. GEN. M.L. NAIDU, MEMBER**

For petitioner : Sh.Karan Chauhan, Advocate

For respondents : Lt Cdr Varun Singh, Judge Advocate (Navy)

ORDER

1. Present case received on transfer from Hon'ble Delhi High Court.
2. Heard learned counsels for parties.
3. Petitioner by this petition has prayed that adverse ACRs for the period 1990-91 and 1991-92 may be quashed/expunged and he may be considered for promotion to the rank of Rear Admiral.
4. Brief facts necessary for the disposal of present petition are that petitioner was commissioned as a regular officer of the Indian Navy on

01.01.1965 after undergoing the training as a Cadet with the 24th Course at the National Defence Academy, Kharakvasla (Pune), Maharashtra. He held various posts during service tenure and worked at various naval ships, he detailed his other achievements. However, it is to his misfortune during 1990-91 he was given an advisory in his ACR that **"I have advised him to show some greater care in the partaking of alcohol particularly at public place."** Similarly during 1991-92, petitioner had been advised that **"petitioner was a fat person with an ungainly bearing and that he was abrasive towards his subordinates"**. These two comments in ACRs were considered and petitioner was not recommended for promotion to the post of Rear Admiral. Therefore, petitioner has filed this writ petition seeking expunging of these remarks and reconsideration for promotion without these remarks.

5. Learned counsel for petitioner has taken us to various achievements of petitioner that he has been a good naval officer throughout. Be that it may be but the fact remains that these two remarks of the year 1990-91 and 1991-92 does not appears to be appreciated on any count. The remarks have been given by Superiors in most objective manner and there is no reason for us to expunge these two remarks. Under these circumstances, we are of the opinion that remarks of both two ACRs cannot be expunged. Since the remarks cannot be expunged

and those two remarks had been considered for the promotion to the post of Rear Admiral, he was not found suitable, he has to thank himself and this court cannot come to his rescue. Consequently, we do not find any merit in the petition. Same is dismissed. No order as to cost.

A.K. MATHUR
(Chairperson)

M.L. NAIDU
(Member)

November 9, 2009