

IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

12.

O.A. No. 109 of 2011

Lt. Col. DCS Mayal

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

For petitioner: Sh. Rajiv Manglik, Advocate.

For respondents: Sh. Anil Gautam, Advocate.

CORAM:

HON'BLE MR. JUSTICE A.K. MATHUR, CHAIRPERSON.

HON'BLE LT. GEN. S.S.DHILLON, MEMBER.

ORDER

12.09.2011

The petitioner, by this petition has prayed that the record of the ACR may be called for the period covering February, 2002 to May 2002 and September, 2005 to May, 2006 and set aside the assessment of '7' or below being illegal, invalid, subjective, inconsistent, biased and prejudiced.

2. The petitioner was inducted in service as a Commissioned Officer in December, 1991 and he was transferred to Intelligence Wing in June, 1997. It is alleged that during February, 2002, some incident happened with regard to trans border duty when due to inadvertence, intelligence party entered into the mine field and a blast occurred causing death of one of the Jawans and injury to other one. He has submitted that he is not to be blamed for such kind of activity and the IO has given good ACR and the same has been modulated by the RO and the SRO.

Therefore, the apprehension of the petitioner is that the RO and the SRO have modulated his ACR without seeing the performance of the petitioner. We called the record and perused the same. After perusal of the record, we find that the same assessment made by the IO has been confirmed by the RO as well as the SRO. Therefore, there is no illegality in recording ACR for the period 2002. With regard to the ACR for the period from 2005 to 2006, learned counsel has submitted that this has also been influenced by some incident at Hisar and there was failure of intelligence on the part of the petitioner. Therefore, the ACR has unnecessarily been modulated by the RO and the SRO. We have called the record and perused it. The IO gave petitioner '8' and the RO and the SRO confirmed '7'. This is the assessment of a Senior Officer and we cannot interfere with it unless it is biased or any statutory provision has been violated while writing the same. In these circumstances, there is no ground to interfere with the same. The petition is accordingly dismissed. No order as to costs.

**A.K. MATHUR**  
(Chairperson)

**S.S. DHILLON**  
(Member)

**New Delhi**  
**September 12, 2011**