

IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

06.

O.A. No. 131 of 2011

Wg Cdr Nazish Ahtesham

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

For petitioner: Ms. Jyoti Singh, Sr. Advocate with Mr. Dinesh Yadav,
Advocate

For respondents: Mr. Ajai Bhalla, Advocate.

CORAM:

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

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

ORDER
16.11.2011

The petitioner by this petition has prayed that the respondents be directed to expunge the Appraisal Report (AR) for the period 01.07.2009 to 30.06.2010 and to consider him for promotion from Wing Commander to Group Captain afresh.

The petitioner is an Air Force Officer. He was posted to Directorate of IMMOLS & MIS at Air HQ, R.K. Puram with effect from 13.04.2009 and was working as Joint Director, IMMOLS since then looking after IMMOLS application related jobs assigned to him. Throughout its service career, he carried out various jobs assigned to him with sincerity and commitment. He was instrumental in finalizing the current Post Implementation Support (PIS) contract through Ministry of Defence. During the period, he had helped introduction of monthly

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performance review meetings with Tata Consultancy Services (TCS) for implementation of PIS contract. As part of these meetings, for the first time, issues like show cause notice for non performance were discussed with the vendor to improve upon their performance and deliver the services to IAF as per the contract. However, he being one of the officer in the supervising board, he found that there are many short comings in the consultancy.

However, during the period in question, his AR was lowered down for reasons best known to authorities and his grievance is with regard to respondent nos. 4 and 5. The petitioner prays that the AR for the period 01.07.2009 to 30.06.2010 may be expunged.

A reply has been filed by the respondents. The respondents have submitted that there is no bias and the appraisal of the petitioner for the short comings of the TCS has not caused any annoyance.

Learned counsel for the respondents has placed before us the original ACR of the petitioner for the perusal of the court.

We have gone through the ACR's of the petitioner and we find that the petitioner's ACR and his pen picture are coinciding with each other and there is no difference between the two. We have also gone through the previous ACR

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and impugned ACR and we do not find much difference between the two. We find that the persons with the higher marks have been selected. The petitioner was down below the last person selected for promotion.

We also do not want to disclose the minutes of the meeting as they are secret. We are satisfied that nothing unfair has been done to the petitioner and there is no tempering in the records.

Therefore, we do not find any merit in the petition. In the result, it is dismissed with no order as to cost.

A.K. MATHUR
(Chairperson)

S.S. DHILLON
(Member)

New Delhi
November 16, 2011