

IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

14.

O. A. No. 528 of 2010

Rect Clk. (GD) Rahul Kumar

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

For petitioner: Sh C.K. Sharma, 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

11.03.2011

1. Heard learned counsel for the parties.

2. The petitioner, in this case, failed to pass the Proficiency Aptitude Test (PAT). Therefore, he could not be confirmed in the trade of a Clerk. He could not be re-mustered also as he was short in height. Therefore, there is no need to interfere in this matter. Their Lordships of Hon'ble Supreme Court in the identical situation in the case of Union of India And Ors. Vs. Dipak Kumar Santra (2009) 7 Supreme Court Cases 370 have also held that in case of failure to pass the Proficiency Aptitude Test (PAT), the incumbent cannot be allowed to be in service. This Tribunal also subscribed to the view taken by their Lordships of Hon'ble Supreme Court while dismissing the petitions bearing O. A. No. 73 of 2009 and O. A. No. 72 of 2009 titled as Ex. Rect. Krishan Bhagwan and Ex. Rect. Pooran Mal Vs. Union of India & Ors. Vide order dated 2.2.2011.

Contd.....2/-

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3. We do not find any merit in this petition. The same is accordingly dismissed with no orders as to costs.

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

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

New Delhi  
March 11, 2011