

IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

15.

O. A. No. 66 of 2011

Lt. Col. Himmat Singh

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

For petitioner: Sh. Anil Srivastava, Advocate.

For respondents: Sh. Ankur Chibber, Advocate.

CORAM:

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

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

ORDER

18.5.2011

Petitioner has challenged primarily the ACRs for the period September, 1997 to May, 1998 and June 2002 to January, 2003. The contention of the petitioner was that there is a subjective assessment of the Reviewing Officer (RO) which is inconsistent with earlier reports. We called for the original files to peruse and found that the assessment given by the IO and RO is not much at variance. The IO has awarded 8 points, RO has awarded 7 points and SRO has awarded 8 points, therefore, we compared these assessments with his previous performance also and found that this has been varying from grading 8 to 7 and ~~then~~ 8, therefore, we cannot say that it is inconsistent or requires any interference by us. The ACRs can only be interfered on two occasions, namely, when there is a malafide or there is a technical deficiency otherwise in normal course 7 is above average assessment and it cannot be interfered unless in any of those conditions mentioned above.

Consequently, we don't find any merit in this petition and same is dismissed.

No order as to costs.

A.K. MATHUR
(Chairperson)

S.S. DHILLON
(Member)

New Delhi
May 18, 2011