

IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

09.

O. A. No. 81 of 2010

Hav./Clk. Nidhu Bhushan Paul

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

For petitioner: Sh. S. S. Pandey, Advocate.

For respondents: Sh. Ankur Chhibber, Advocate.

CORAM:

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

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

ORDER

04.07.2011

1. Heard learned counsel for the parties.
2. The petitioner was enrolled in Army on 20th September 1985 and his date of birth is 31st March 1983. His grievance is that he was not promoted to the post of Naib Subedar and, therefore, he has filed this petition for making a grievance that he should be promoted to the post of Naib Subedar.
3. Respondents in their reply pointed out that a person who has already attained 46 years of age cannot be granted next promotion i.e. promotion for the post of Naib Subedar. They pointed out that his date of birth is 31st March 1983 and he completed 46 years of age on 1st April 2009. On 1st April 2009 there was no vacancy and vacancy arose on 30th April 2009 and, therefore, the petitioner cannot get the benefit of promotion. Submission of learned counsel for the

respondents appears to be justified that as per the regulations a person who has attained 46 years of age cannot be promoted to the post of Naib Subedar and petitioner has already attained the age of 46 years on 1st April 2009 and at that time there was no vacancy available and vacancy became available only on 30th April 2009 and by that time he had already become over age and, therefore, he was not promoted. The grievance of the petitioner is that his matter should have been referred to the highest authority for relaxation of one month. The authorities found that it is not a ^{good} ~~case~~ which can fall in the category of exceptional case and, therefore, they did not consider it appropriate for relaxation.

4. Hence, we do not find any merit in this petition and the same is dismissed with no order as to costs.

A.K. MATHUR
(Chairperson)

S.S. DHILLON
(Member)

New Delhi
July 04, 2011