IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

19.

O. A. No. 88 of 2011

Havildar Sodhan Singh .....**Petitioner**

Versus

Union of India & Ors. .....**Respondents**

For petitioner: Sh. K. Ramesh and Ms. R. Archana, Advocates.
For respondents: Sh. Anil Gautam, Advocate.

CORAM:
HON'BLE MR. JUSTICE A.K. MATHUR, CHAIRPERSON.
HON'BLE LT. GEN. S.S.DHILLON, MEMBER.

ORDER
19.10.2011

1. Petitioner by this petition has prayed that the Respondents may be directed to call for the records of Service Dossier with all ACRs and also the records of the DPC and quash the same and set aside the adverse ACRs, if any, being contrary to the Army Order in question and being inconsistent with the overall profile of the Petitioner.

2. Petitioner was enrolled in Army as a Sepoy on 28th May 1987 and with the passage of time became Havildar and he is presently posted in 98 Field Regt. He has not received any warning or adverse communication but when his case for promotion to the post of Naib Subedear from Havildar was considered, he was not selected. He filed a statutory complaint for his supersession and after that Petitioner has filed the present petition with the aforesaid prayers.

3. A reply was filed by the Respondents and the Respondents have pointed out that the Petitioner's ACR does not merit him promotion. The ACR rating of the Petitioner has been given in reply which is reproduced as under:

Years	IO	Grading	RO	Grading
2005	Lt. Col. Rajeev Agarwal Bty Cdr 982 Fd. Bty	06	Col VG Bhatnagar CO 98 Fd Regt	06
2006	Lt. Col. Rajeev Agarwal Bty Cdr 982 Fd. Bty	06	Col VG Bhatnagar CO 98 Fd Regt	06
2007	Maj GM Kulkarni Bty Cdr 982 Fd. Bty	08	Col Rajeev Agarwal CO 98 Fd Regt	07
2008	Maj GM Kulkarni Bty Cdr 982 Fd. Bty	06	Col Rajeev Agarwal CO 98 Fd Regt	06
2009	Maj GM Kulkarni	07	Col Rajeev Agarwal CO 98 Fd Regt	06

4. The criteria for promotion from Havildar to Naib Subedar is that the incumbent should have three 'Above Average' and two 'High Average' ACRs in the last five years preceding the date of selection. Now in the present case the Petitioner does not have two 'Above Average' reports. Therefore he could not be selected. He has to have three 'Above Average' and two 'High Average' reports. He has only one and, therefore, he could not be promoted to the post of Naib Subedar. We also called the record file to verify the fact about his ACR rating and we are satisfied that

the ACR rating which have been filed and reproduced in the reply filed by the Respondents is correct.

5. In this view of the matter, Petitioner could not make it able to be promoted to the post of Naib Subedar. Hence, there is no 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
October 19, 2011
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