

**COURT NO. 3, ARMED FORCES TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI**

**T.A. No. 202 of 2009**

**W.P.(C) No. 9707 of 2009 of Delhi High Court**

**IN THE MATTER OF:**

**Risaldar Udaiveer Singh**

**.....Applicant**

Through : Mr. K. Ramesh, counsel for the Applicant

Versus

**Union of India and Others**

**.....Respondents**

Through: Mr. R. Balasubramanian, counsel for the Respondents

**CORAM:**

**HON'BLE MR JUSTICE MANAK MOHTA, JUDICIAL MEMBER,  
HON'BLE LT GEN M.L. NAIDU, ADMINISTRATIVE MEMBER**

**JUDGMENT**

**Date: 31.05.2011**

1. The petition was filed before the Hon'ble Delhi High Court on 24.06.2009 and was transferred to the Armed Forces Tribunal on its formation on 28.10.2009.

2. The case pertains to grant of Honorary Commission. The applicant vide this petition has prayed for summoning of records of the applicant who was to be considered for promotion to the Honorary Lieutenant (Hony. Lt.) on 15.08.2008 as also on 26.01.2009. He also sought that comparative merit of the applicant may be sought to ensure fair play and meet the ends of justice.

3. The facts in brief are that applicant was enrolled in the Army on 19.06.1985 and in due course of time he rose to the rank of Risaldar. He was due to retirement on 30.06.2009 on having completed his terms of engagement i.e. of 28 years.

4. The applicant was considered for promotion for Hony rank in which marks for certain service condition were to be calculated. As per his allegation, he was not granted marks for certain criteria, therefore, he came low in the merit and was not granted the Hony rank.

5. Learned counsel for the applicant argued that the applicant had 28 years of service and for each year of service above 20 years, he is required to be given one mark. Therefore, he was entitled to eight marks while he was given only seven marks.

6. Learned counsel for the applicant again argued that applicant had spent 155 days in high altitude area which is borne by the records. He was thus entitled to one mark but was given zero marks. As regards, the army courses attended, learned counsel stated that he had achieved "Above Average" grading in four courses and was thus entitled to eight marks but he was awarded only six marks.

7. Learned counsel for the applicant further argued that applicant was eligible for two marks based on Sainya Medal with Clasp J&K which was awarded to him on 31.08.2006 while he was given zero points. In this way it was urged that he was entitled for 38 marks where as he was given only 32 marks.

**8.** Learned counsel for the respondents stated that policy letter states that individual will get one point for each year of completed service over 20 years. In this case, the applicant had completed only 27 years in June 2008 and for both the consideration i.e. on 15.08.2008 and 26.01.2009, he had not completed 28 years, therefore, he got only seven points for 27 years. The policy letter of 24.02.1989 states that *“one mark for each completed year over 20 years will be granted”*.

**9.** Learned counsel for the respondents further argued that as regards the grant of points for high altitude area, the applicant had completed 155 days. The policy letter states that *“for two marks for each year subject to a maximum of four marks will be awarded in high altitude and uncongenial areas”*. Since the applicant had not completed even one year, therefore, no marks were given under the head.

**10.** As regards Army Courses, learned counsel for respondents stated that applicant has been correctly awarded marks for three courses i.e. for Armt Instr JCO, AIC(J) 32 and JLC(JCC-15) PSM Course Ser. No. 44. This came to total six points. The course TL-110 and AIC 25 where he got “High Average” grading was not considered. The Armn Tech Ser No.134-143 which the applicant had claimed as an Army course is in fact an upgradation cadre from Class 2 to Class 1 in which the applicant was upgraded as a ‘Gunner’. This has been

stated very specifically by the Commandant Armd Corps Centre and, therefore, cannot be given weightage of that of an Army course, thus, he was not entitled to any marks for the same.

**11.** Learned counsel for the respondents conceded that two points which was entitled to the applicant for Special Service Medal with “Clasp Sureksha” was not included in the recommendation form and thus also in the calculation sheet. This lapse took place because the publication of the occurrence was delayed by 14 RR Battalion. The publication was under some observation due to non receipt of the medal roll of the JCO. Meanwhile, recommendation forms had been submitted to the Command.

**13.** Having heard both the parties at length and having examined the documents. The points calculated for the services rendered in terms of service beyond 20 years have been correctly calculated to ‘seven’ points because he had 27 years of completed service. The high altitude tenure also got ‘nil’ point since the applicant had not completed one year of service in the high altitude area as per requirement of the policy which is not under dispute.

**14.** As regards the Army courses of Instruction, the applicant did get six points for the three courses which he attended and secured ‘Above Average’ grading. The course that he claimed did not get him the marks i.e. Armament Technology Ser no. 134-143, however the respondents have stated with specific instruction that this was a cadre

for upgradation from Class II to Class I. It was not an Army Course. Learned counsel for the applicant has not been able to produce any document to refute this argument. Therefore, the marks given in the courses have been correctly calculated.

**15.** As regards the points to be awarded for the medals granted to the applicant, the applicant was to be granted two points for Sanya Sewa Medal Clasp Surekhsa. This has been graciously conceded by the learned counsel for the respondents. Thus the total points earned by the applicant for consideration to the Hony Lt comes to 34 instead of 32 which were awarded to him earlier.

**16.** We have also examined the Master Data Sheet. As regards consideration for grant of Hony Lt on 15.08.2002, the cut-off marks on 15.08.2008 was at 36 points. Only 30 out of 125 JCOs were granted Hony Commission. The applicant has not been able to reach the merit.

**17.** During the consideration on 26.01.2009, 28 out of 69 were granted Hony Commission and the cut off marks were 35. Again the applicant was not entitled for Hony Commission as he is not coming in merit.

**18.** In view of the foregoing, it will not make any sense to refer this case for reconsideration to respondents even after counting of two marks for the Sainya Sureksha Sewa Medal Clasp (Surekesha) which will give the applicant two points i.e. 34 marks. In view of his low

standing, he will not go above the cut off marks in both the consideration i.e. 15.08.2008 and 26.01.2009.

**19.** In view of the above, we are not inclined to interfere in the case.

The TA is dismissed. No orders as to costs.

**M.L. NAIDU**  
**(Administrative Member)**

**MANAK MOHTA**  
**(Judicial Member)**

**Announced in the open Court**  
**on this 31<sup>st</sup> day of May 2011**