

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

T.A. No. 267 of 2010

(Delhi High Court W.P (C) No. 9528 of 2007)

IN THE MATTER OF:

Subedar Sukhbir Singh

.....Applicant

Through Mr DS Kauntae, counsel for the Applicant

Versus

Union of India and Others

.....Respondents

Through: Dr Ashwani Bhardwaj, counsel for the Respondents

CORAM:

**HON'BLE MR JUSTICE MANAK MOHTA, JUDICIAL MEMBER,
HON'BLE LT GEN Z.U.SHAH, ADMINISTRATIVE MEMBER**

JUDGMENT

Date: 11-01-2011

1. The applicant had filed WP(C) 9528/2007 in the Hon'ble Delhi High Court and the same was transferred to this tribunal on 09/11/2009. The applicant had prayed that the order dated 13/08/2007 (Page 38C) rejecting his statutory complaint be quashed and he be granted Honorary (Hony) Commission to Lieutenant (Lt) with effect from 26/01/2005 and subsequently Captain (Capt), with effect from 15/08/2005, with all consequential benefits.

2. The applicant was enrolled in the Army on 19.10.1977 and promoted to Substantive Subedar in February 1999. The applicant was awarded GOC-in-C Commendation Card (CC) on 15/08/2005. The applicant has contended that he did not get due weightage of marks for his service in Operational/High Altitude tenures, Courses attended by him and Special Appointments . The applicant's main contention is that GOC-in-C Commendation Card award (Annexure P-1) should have been given due weightage and he should have been awarded marks for the same for Hony Commissions announced on the same date.

3. The applicant's case for Hony Commsission was submitted to Army HQ in 2005 alongwith case of Subedar (Hony Lt) Jaipal Singh. The applicant was not granted Hony Commssion. He submitted statutory representation against the same on 17/03/2007 (Annexure P-7). The same was rejected vide Army HQ letter dated 13/08/ 2007.

4. The applicant submits that he retired on 31/10/2005. He was not granted Hony Commission while Subedar (Hony Lt) Jaipal Singh was granted the same despite applicant's record being superior to the latter. The applicant contends that he had more operational service and done more number of courses than Subedar (Hony Lt) Jaipal Singh. The latter has however been shown undue favour by their Commanding Officer, Col DL Choudhry.

5. The processing for Hony Commission is done as per policy laid down in Army HQ letter No A/62204/AG/ CW-2 dated 24/02/1989. The applicant has requested that the Master Data Sheet pertaining to the grant of his Hony Commission be examined and the marks awarded to him be compared with that of Subedar (Hony Lt) Jaipal Singh.
6. The respondents in their counter affidavit have stated that all Subedars and Subedar Majors are considered for grant of Honorary Commissions in the last year of their colour service on Independence and Republic days. Accordingly roll and data sheet containing all service records were forwarded to HQ Northern Command for consideration on the occasion of Republic Day 2005 (first chance) and Independence Day (last chance). The applicant availed two chances for consideration of Honorary Commission and was not granted the same.
7. The applicant has made a comparison of his profile with the profile of Subedar & Hony Lt Jaipal Singh. The latter scored overall more points than the applicant and was thus granted Hony Commission. The applicant has claimed marks for award of GOC-in-C Northern Command Commendation Card. This was awarded to the applicant on 15/08/2005 well after submission of recommendation roll and data sheet and the applicant could not get credit for the same in the list of Hony Commission announced on Independence Day 2005 which was also the date of his award of GOC-in-C Commendation Card.

8. We heard the argument at length and have perused the data sheets pertaining to the applicant and Subedar & Hony Lt Jaipal Singh. The applicant has been given due marks to which he was entitled to. He was however not entitled to any mark for award of GOC-in-C Commendation Card since that was awarded only on 15/08/2005 well after his consideration for grant of Hony rank. Subedar & Hony Lt Jaipal Singh was rightly awarded more marks than the applicant because of various facets of his profile. The applicant's contention of a better profile than Subedar & Hony Lt Jaipal Singh did not stand our scrutiny. No injustice has been done to the applicant. Application is dismissed. No costs.

Z.U.SHAH
(Administrative Member)

MANAK MOHTA
(Judicial Member)

Announced in the open Court
on the day of 11th January, 2011