

**IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH**

**NEW DELHI**

**O.A. No.130/2012**

**Nb Sub Jagbir Singh**

**.....Petitioner**

**Versus**

**Union of India & Others**

**.....Respondents**

**For Petitioner**

**Mr. H.S.Tiwari Adv for Mr. S.S.Pandey  
Advocate**

**For Respondents**

**Mr. S.K.Sethi Advocate for R-1 to 3  
None for R-4.**

**CORAM**

**HON;BLE JUSTICE A.K.MATHUR, CHAIRPERSON  
HON;BLE M.L. NAIDU, ADMINISTRATIVE MEMBER**

**ORDER**

**Dated: 4<sup>th</sup> December ,2012**

Petitioner by this petition has prayed that the order dated 15.03.2012 cancelling the promotion of the applicant may be quashed alongwith para 1265 of the ROI being contrary to the existing instructions on the subject. It is further prayed that he may be promoted in terms of order dated 12.02.2012 to the rank of Sub with effect from 01.04.2012 with all consequential benefits.

2. The petitioner was enrolled in the Indian Army in Engineers Regiment as Clerk on 03.04.1984 and with passage of time he became Nb Sub on 24.02.2009 with seniority of 01.02.2009. He applied for the last posting and it was acceded by the respondents by the order dated 25.11.2010. Meanwhile he was promoted by order dated 12.02.2012 but that promotion order was cancelled on 15.02.2012 on the ground that the petitioner while making request of his last posting clearly stated that he will not claim further promotion while serving with the unit. Consequently the order was issued on 15.02.2012.

3. Reply has been filed by the respondents. Respondents has submitted that as per his own request, the petitioner was posted from Shillong to Delhi Cantt. . He has given and rendered a certificate stating that "having applied for last posting, he will not claim any further promotion while serving in the desired station and also till I am revert to regimental service required in field unit in my present rank to gain eligibility promotion to the next rank". Therefore, it is submitted that since petitioner himself has committed that he will not seek next promotion while he was posted on his last posting on his request. Therefore, his promotion order dated 12.02.2012 was cancelled on 15.12.2012.

4. We have heard the learned counsel for the parties and perused the record. Learned counsel for the petitioner tried to persuade us that certificate given by him was not an unwilling certificate for promotion but it was for adverse career certificate. The submission of the learned counsel for the petitioner is not correct. A perusal of certificate clearly shows that it is not a certificate of adverse career certificate but a unwilling certificate for promotion. The Certificate given by him has been placed on record. It clearly states that he will not claim promotion in the new unit. Therefore, the order dated 15.03.2012 cancelling his promotion is justified and there is no reason to interfere in the matter. Consequently, we do not find any merit in the petition and the same is dismissed. No order as to costs.

**( A.K.MATHUR)**  
**Chair Person**

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

New Delhi  
Dated: 4<sup>th</sup> December,2012  
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