

IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

16.

O.A. No. 21 of 2012
With M.A. No. 25 of 2012

Corporal Sushil Kumar Yadav

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

For petitioner: Mr. Puneet Khurana, Advocate.

For respondents: Ms. Shilpa Singh, Advocate.

CORAM:

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

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

ORDER
15.03.2012

1. Petitioner vide this petition has prayed that order dated 07.04.2011 be set aside whereby the case of the petitioner for issuing of No Objection Certificate for joining service of Bank Probationary Officer has been rejected.

2. The brief facts which are necessary for just disposal of the petition are that petitioner was enrolled in the Indian Air Force on 17.06.2002 at Air Force Station, New Delhi. He was an intermediate in educational qualification which he completed in March 2001. The petitioner successfully underwent six months training and half years of trade training in Instrument Fitter Trade. He completed his B.A. degree in the year 2007 and after that he completed his Masters Degree in Economics from Osmania University. Petitioner in due course having qualified the requisite trade tests and was promoted to the higher post of Corporal.

3. Petitioner in pursuance to the advertisement dated 07.08.2010 of Bank of India applied for Bank Probationary Officers Recruitment Scheme 2010-11 for the post of Junior Management Grade/Scale-I in the pay scale of Rs.14500-25700 after obtaining requisite permission from the respondents in compliance with the Air Force Order 14/2008. Petitioner qualified the written examination of Bank of India and was called for interview by the letter dated 28.02.2011. He immediately applied for the NOC by his application dated 08.03.2011 which was duly recommended by his superior officers in command. But he was informed vide letter dated 07.04.2011 that NOC cannot be granted to him on the ground of service exigencies. It is submitted that since NOC was not granted to petitioner, he could not avail this appointment, therefore, he made a representation but without any result. Hence, he filed the present petition seeking aforesaid relief.

4. A reply has been filed by the respondents and they have taken the stand that only a provisional permission was granted to the petitioner to appear in the examination for Bank Probationary Officers and when the question came for his release, same was declined to grant NOC as the application filed by the petitioner for the said post was not covered by the AFO 14/2008 issued by Chief of Air Staff. As per Category I of AFO 14/2008, Airmen/NCs(E) who have completed 7 years of service can apply for Group A; Central/State Govt. posts as well as equivalent posts in PSUs maximum of the pay scale not less than 13500, as revised from time to time. They can also apply for Group 'B' Central/State Govt. posts or equivalent posts under PSUs maximum of the pay scale not less than Rs. 9000 but less than Rs. 13500 as revised from time to time subject to criticality of trade.

5. It is pointed out by the respondents that pay scale was laid down on the basis of Government of India, Dept. of Personnel and Training (DoP&T) notification dated 20.04.1998. Subsequent to implementation of recommendations of Sixty Central Pay Commission, the pay scale of Rs. 13500/- has been revised to Rs.39100/- and accordingly fresh criteria for determining equivalence of civil posts under PSUs to Govt. Posts have been communicated to all the Air Force Units through their controlling Command HQs vide letter dated 22.05.2009. In the present case, petitioner applied for Bank Probationary Officers which is not equivalent to pay scale of Rs. 39100, therefore, NOC was declined to the petitioner.

6. In this connection, learned counsel for the respondents invited our attention to a decision given by this Tribunal in the case of **Cpl. Rakesh Kumar Suman Versus Union of India & Ors. bearing OA No. 158 of 2011 on 11.11.2011.**

7. We have heard learned counsels for the parties and perused the AFO 14/2008 and Air Force circular dated 22.05.2009. We are of the opinion that respondents are well within their right to decline NOCs. The present case is squarely covered by order passed by this Tribunal of **Cpl. Rakesh Kumar Suman Versus Union of India & Ors. (Supra).**

8. Hence, in view of above decision dated 11.11.2011, we do not find any merit in the petition. Same is accordingly dismissed. No order as to costs.

**A.K. MATHUR
(Chairperson)**

**S.S. DHILLON
(Member)**

**New Delhi
March 15, 2012mk**