IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

13.

O.A. No. 448 of 2010

Lt. Col. S. Dilwaria .....Petitioner

Versus

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

For petitioner: Mr. S.S. Pandey, Advocate.
For respondents: Ms. Veronica Mohan, Advocate with Col. Devender Singh

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

O R D E R
27.01.2012

Petitioner vide this petition has prayed that directions may be issued to respondents to call for records of the three ACRs covering the period 01.06.2000 to 10.11.2000, 11.11.2000 to 31.05.2001 and third covering the period 01.06.2001 to 31.05.2001 and same may be set aside being illegal and subjective and case of the petitioner may be considered afresh for promotion to the rank of Colonel from Lt Col.

Petitioner was commissioned in the Indian Army as Second Lieutenant on 09.06.1990 and with the passage of time, he became Lt Colonel. In the year 2007, his case was considered for promotion from Lt Col to Col but he could not make it. Therefore, petitioner filed non statutory and statutory complaint. He got a limited relief and his ICR covering the period 1.1.2000 to 31.05.2000 was expunged while the ACR covering the period 11.11.2000 to 31.05.2001 was declared a Non Criteria Report. However still he could not make it for promotion to the rank of Col and, therefore, he has filed the present petition before us challenging all three above said ACRs.

So far as the ACR from 01.06.2000 to 10.11.2000 is concerned, it was not available to him. It was written afresh and petitioner filled the form and gave it to the authority. He got good record which was produced before us and we have perused the same and also informed the petitioner. Therefore, so far as this report from 01.06.2000 to 10.11.2000 is concerned, nothing turns on that.

So far as the second ACR from 11.11.2000 to 31.05.2011 and third ACR from 01.06.2001 to 31.05.2002 are concerned, these are sought to be challenged by the petitioner in the year 2010 by filing the present petition which is extremely belated. Both reports have been produced before us. There is an endorsement of the petitioner on the IO's portion of these reports, therefore, it is not the case that petitioner did not know about the nature of the reports. Normally, remarks of IO are shown not the remarks of RO and SRO. But we have gone through both the reports as the same were produced before us and we find that assessment of both reports is not below but they have been all outstanding, very good and good. Therefore, at this distance of time challenging to these reports cannot be entertained.

Hence, we do not find any merit in the case. The petition is accordingly dismissed. No order as to costs.

A.K. MATHUR
(Chairperson)

S.S. DHILLON
(Member)

New Delhi
January 27, 2012
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