

IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

17.

O.A. No. 87 of 2011

Havildar Raj Kumar

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

For petitioner: Mr. K. Ramesh, Advocate.  
For respondents: Mr. Mohan Kumar, Advocate.

CORAM:

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

ORDER  
09.01.2012

1. The Petitioner filed this petition and prayed that the Respondents may be directed to restore the Petitioner's seniority in the rank of Havildar from Serial No. 414 to 623 but he has not impleaded those persons as a party to the petition nor he has explained the delay which has been caused from 1992 till this date. We are not going into the controversy at the moment with regard to delay and laches and not making them a party to the petition because of the fact that learned counsel for the Petitioner after arguing at length has submitted that the non-statutory petition filed by the Petitioner is pending from 15<sup>th</sup> June 2010 with the Respondents and same may be disposed of so that in case he gets a relief then the controversy may not be raised.
2. We do not want to express any opinion in the matter at present because there is a controversy whether the Petitioner was detailed for Cadre Promotion Course of Havildar or not. But because of the fact that he has become overage on 4<sup>th</sup> April 2010 he could not be promoted to the post of Naib Subedar and he has to be discharged on attaining the age of superannuation. His non-statutory petition of 15<sup>th</sup> June 2010 is pending. The authorities may dispose of this petition if the same has not been disposed of so far. However we are not expressing any opinion with regard to delay in the matter from 1992 to 2010 and for impleading the persons as a party who are

senior to him. We hope and trust that the authorities will look into the matter and dispose of the petition filed by the Petitioner with them expeditiously as far as possible within three months from today if not disposed of so far.

3. The petition is accordingly disposed of with no order as to costs.

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

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

**New Delhi**  
**January 09, 2012**  
**dn**