

IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

23.

T. A. No. 17 of 2011

O.A. No. 397 of 2011 of AFT Chandigarh Bench

Sishan Kanwar Rathee

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

For petitioner: Mr. D.S. Kauntae, Advocate.

For respondents: Dr. S.P. Sharma, Advocate.

CORAM:

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

HON'BLE LT. GEN. M.L. NAIDU, MEMBER.

ORDER

10.07.2012

1. This is a second round of litigation. Earlier when the petition came before us as OA No. 172/2009, the same was disposed of by an order passed by this court on 03.12.2009 while directing the respondents to attach the certificates received by petitioner for good services to his personal/service file.
2. Now the petitioner has filed this second petition praying that impugned order dated 01.02.2010 may be quash/set aside being arbitrary and directions be issued to the respondents to grant and notify the award of "Mention-in-Dispatches" on the basis of the certificates of merits already accepted by the respondent no. 4 and tagged with the original service book of the petitioner by holding and declaring the Regulation 701 of DSR as absolute.
3. Petitioner was enrolled in the Army way back on 09.07.1963 and he retired from service on 26.06.1983. He had earned some good certificates from various Colonels and other officers under whom he worked. By way of his earlier petition, he claimed those certificates to be taken on record and this court vide order dated 03.12.2009 directed the respondents to attach the

certificates received by the petitioner for good services to his personal/service file and disposed of the petition with this observation. Now by way of present petition, petitioner claims for grant of the award of "Mention-in-Dispatches" on the basis of the certificates received by him from various officers for good services. Regulation 701 of the Defence Service Regulation reads as under;

"701. Mention in Despatches – A person is mentioned in despatches in recognition of meritorious services in operational areas and acts of gallantry which are not of a sufficiently high order to warrant the grant of gallantry awards. A lotus leaf emblem is awarded to a person mentioned in despatches. Posthumous awards can be made. All Army personnel including personnel of the Reserve Forces, personnel of the Territorial Army, Militia and other lawfully constituted Armed Forces, members of the Nursing Services and civilians working under or with the Armed Forces are eligible. There is no objection to a person's name being mentioned in more than one despatch. But he will not be issued with a second emblem."

4. As per Regulation 701 of DSR what is required to be published is meritorious services in operational areas and acts of gallantry which are not of a sufficiently high order to warrant the grant of gallantry awards. A lotus leaf emblem is awarded to a person mentioned in despatches and posthumous awards can be made.

5. We have perused the certificates granted to the petitioner and we are of the opinion that these certificates do not fall in any of above stated two categories as per Regulation 701 of DSR. These are the certificates issued by the various officers under whom petitioner had worked. These are not of such nature which needs to be published as per Regulation 701 of the DSR.

6. Consequently, we do not find any merit in the petition. Same is accordingly dismissed. No order as to costs.

A.K. MATHUR
(Chairperson)

M.L. NAIDU
(Member)

New Delhi
July 10, 2012
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