

**COURT No.1  
ARMED FORCES TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI**

**OA 1898 of 2020**

**Maj Gen Ajay Pal Singh** ..... **Applicant**  
**Versus**  
**Union of India and Ors.** ..... **Respondents**

**For Applicant** : Mr. S.S. Pandey, Advocate  
**For Respondents** : Gp Capt Karan Singh Bhati, Sr. CGSC

**CORAM**

**HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON**

**HON'BLE LT GEN P.M. HARIZ, MEMBER (A)**

**ORDER**

**MA 504/2021**

This is an application filed by the respondents under Rule 12(5) of the AFT (Procedure) Rules, 2008 seeking condonation of 45 days in filing the counter affidavit. In view of the reasons explained in the MA and in the interest of justice MA 504/2021 is allowed and the delay of 45 days in filing the counter affidavit is thus condoned. The MA is disposed of accordingly.

**MA 1908/2021** ↖

2. This is an application filed by the applicant under Section 5 of the Limitation Act, 1963 r/w Rule 25 of the Armed Forces Tribunal (Procedure) Rules 2008 on behalf of the applicant seeking condonation of delay of 140 days in filing the rejoinder. In view of the reasons explained in the MA and in the interest of justice MA 1908/2021 is allowed and the delay of 140 days in filing the rejoinder is thus condoned. The MA is disposed of accordingly.

**OA 1898/2020**

3. This application has been filed under Section 14 of the Armed Forces Tribunal Act, 2007, by the applicant who is a retired Maj Gen of Army who is aggrieved by his non-empanelment for promotion to the rank of Lt Gen by the Special Selection Board (SSB) in both his considerations as part of Non Gen Cadre Staff Stream (NGCSS) in Dec 2018 and June 2020 and his non consideration for the Corps specific stream SSB. He has made the following prayers:

(a) Call for the records based on which the Respondents have

retained the inconsistent assessment of RO & SRO in the

impugned CR covering the period from 01.12.2017 to 30.06.2018 and on that basis has not empanelled the applicant for promotion to the rank of Lt Gen in both his considerations as part of Non Gen Cadre Staff Stream as fresh case of 1984 and the first review case by the Special Selection Board held in Dec 2018 and June 2020 respectively as well as rejecting his statutory complaint vide orders dated 06.11.2019 and 04.06.2020, and not considering him for promotion against the Corps specified vacancy by the SSB held in Oct 2020 on the basis of the Para 19 of impugned policy dated 23.12.2017 and thereafter quash all such orders including the order of non-empanelment rejection of statutory complaint as well as non-consideration for promotion within the Corps along with Para 19 of the impugned policy.

(b) Direct the Respondents to consider the applicant for promotion to the rank of Lt Gen after expunction of the assessment of the RO and SRO in the impugned CR of 01.01.2017 to 20.06.2018 as a special review case against the vacancy earmarked for Non Gen Staff Cadre Stream and as a fresh case against the vacancy within the Regiment of Artillery

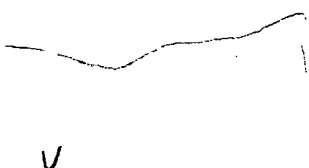
with further direction to promote him with all consequential benefits if found fit for such promotion including back wages, seniority, continuity of service as Lt Gen etc.

(c) Issue such other order/ direction as may be deemed appropriate in the facts and circumstances of the case.

(d) In the interim; direct the respondents not to declassify the result of SSB held for the Artillery in Oct 2020 and keep one vacancy of Lt Gen in the Non-Gen Cadre Staff Stream till disposal of the present OA.

### **Brief Facts of the Case**

4. The applicant was commissioned in the Indian Army on 15.12.1984 and superannuated on 31.07.2021. The applicant served in various sectors and held important appointments. On being promoted to the rank of Maj Gen, he assumed command of an Artillery Division (Arty Div) on 01.12.2017. On 23.12.2017 vide letter No 04502/MS Policy, the IHQ of MoD (Army) issued a promotion policy for Special Selection Board (SSB) & No 1 Selection Board specifying the method of calculation of vacancies based on the calendar year and the period for



holding promotion boards. Additionally, the policy stipulated that, an officer due to retire in the present rank before the occurrence of the first vacancy for the next higher rank will not be considered by the Selection Board. In Dec 2018, the applicant was considered by the SSB as a fresh case of 1984 batch for empanelment to the rank of Lt Gen in the Non Gen Cadre Staff Stream (NGCSS). The applicant was not empanelled. The applicant submitted two statutory complaints. Statutory complaint dated 18.04.2019 was against the first CR earned as GOC, covering the period 01.12.2017 to 30.06.2018. This was however, rejected vide order dated 06.11.2019. Consequently, the applicant filed a second statutory complaint dated 30.11.2019 against his non-empanelment by SSB held in Dec 2018 and sought scrutiny of his reckonable profile and prayed that aberration/ inconsistencies, if any be removed. This was also rejected vide order dated 04.06.2020.

5. In the meanwhile, the applicant was considered by SSB in May 2020 as a First Review case for empanelment into NGCSS and was again not empanelled. In the meanwhile, the SSB to consider 1984 officers for empanelment to the rank of Lt Gen in Corps specific

appointments in Artillery was due in Oct 2020. However, since the applicant was due to retire on 31.07.2021, prior to occurrence of the first vacancy, he became ineligible for consideration by this SSB in terms of Para 19 of the policy letter dated 23.12.2017. Hence this OA.

### **Arguments by the Counsel for the Applicant**

6. The counsel recapitulated the service profile and achievements of the applicant and emphasised that the applicant had not been empanelled by the SSB in the NGCSS primarily due to biased and subjective CRs earned as the GOC of Arty Div. He further added that the applicant had been denied his rightful consideration by SSB for Corps specific stream due to faulty application of policy. The counsel then stated that his arguments were primarily on the inconsistent CR which should be rightfully set aside, being inconsistent with the applicant's profile and performance. He further added that the second issue was regarding the incorrect policy resulting in the applicant not being considered by SSB for the Corps specific stream in Oct 2020. With reference to the CRs, the counsel explained that the applicant had earned two CRs as the GOC of Arty Div. The counsel elaborated

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that though the applicant had put forth many innovative measures regarding the employment of the Arty Div and thus enhancing its operational effectiveness, the Reporting Officers were not receptive to fresh ideas and this led to him being given an 'above average' assessment in the first CR. He further emphasised that professional differences had resulted in a biased and subjective report. The counsel then added that the examination of the applicant's complaint against the CR had not critically examined the bias and subjectivity in the report and had rejected the complaint without due diligence in its examination.

7. The counsel then explained the concept of Gen cadre, Non Gen Cadre Staff Stream and Corps specific stream. He then elaborated that the applicant was in the NGCSS and had thus held the appointment of GOC Arty Div, which was considered only as a staff appointment. The counsel then elaborated that the NGCSS has very limited vacancies and thus the SSBs considering NGCSS officers must take cognisance of officers like the applicant, who though in the staff stream was infact commanding a Div like the Gen Cadre GOCs. He then elaborated that



the applicant's plea to increase vacancies for NGCSS did not fructify and hence he remained non-empanelled.

8. The counsel then elaborated that since the applicant was from the Corps of Artillery, he was entitled for consideration by SSB for the Corps specific stream. The counsel then took us through the policy on SSB No 1 SB dated 23.12.2017 (Annexure A1 colly/ page 48) and in particular drew our attention to Para 19 on 'Superannuation Before Occurrence of Vacancy' which stipulates that in such an eventuality, an officer becomes ineligible for consideration itself. The counsel explained that since the applicant was due to superannuate on 31.07.2021, while the first and only vacancy was due only on 01.08.2021, the applicant was considered ineligible for consideration by SSB held in Oct 2020 for Corps specific stream.

9. The counsel then explained that DGAFMS had a different policy in this context, in that if officers in the zone of consideration were to retire before occurrence of vacancy, then, that many officers additional were empanelled. Thus, the right of consideration was never denied to any officer and if a vacancy arose the officer had a fair chance of being

promoted, if empanelled. The counsel vehemently asserted that the provisions of Para 19 of the policy letter dated 23.12.2017 was restrictive and against the spirit of natural justice. The counsel then added that the challenge to the policy was under Article 226. He relied on the case of **Maj Gen KK Sinha vs. UoI** in OA 74/2015 dated 29.04.2015.

10. The counsel then elaborated on the two complaints, their rejection and the details of consideration by the SSB in the NGCSS and his non-empanelment. The counsel concluded that the applicant had not been empanelled due to a biased and subjective CR and his non-consideration for the Corps specific stream SSB was in contravention to the spirit of natural justice, especially since DGAFMS had a more equitable policy.

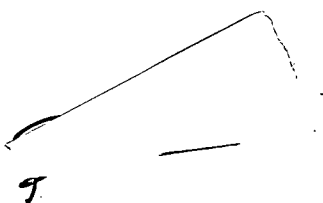
### **Arguments by Counsel for Respondents**

11. The counsel for the respondents explained that the Army operates within a pyramidal rank structure, where the number of vacancies in higher ranks were inherently limited and within this structure, officers were selected for higher ranks based on their service



record within a specific time frame. The counsel further stated that all officers of a particular batch were considered together with same cut off ACRs and emphasized that seniority alone did not dictate selection; rather, individual performance and comparative batch merit were paramount considerations during the selection process. Additionally, any subsequent changes to an officer's CR, such as through complaints or revisions, warranted special consideration by the Selection Board, ensuring fairness and transparency in the selection process.

12. The counsel then explained the process of consideration for promotion to select ranks and emphasised on the policy for the conduct of the No 1 SB and the SSB. The counsel then drew our attention to AO 2/2016/MS and elaborated on the salient aspects of rendition of CR. He emphasised that each reporting officer undertakes assessment based on his evaluation of performance of an officer. The counsel then submitted that the selection for senior ranks as Lt Gen involves considering numerous factors and emphasized that the recommendation of the SB were recommendatory in nature and was subject to the approval of the competent authority.

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13. The counsel then explained the nuances of the Gen cadre, NGCSS and Corps specific stream and highlighted the aim of such a requirement and reiterated that the applicant was entitled to consideration for NGCSS and the Corps specific stream. The counsel then emphasised that the applicant had become ineligible for consideration by the SSB for Corps specific stream in terms of Para 19 of the policy letter dated 23.12.2017 since he was due to retire prior to occurrence of the first vacancy. The counsel emphasised that the applicant had now compared the Army officer's policy to that of the DGAFMS policy and emphasised that the right of consideration was exclusively as per the rules and policies applicable to Army officers and that this was fairly applicable to all officers under consideration. He submitted that the applicant had not been empanelled due to his overall comparative merit amongst those under consideration.

14. The counsel further stated that the Hon'ble Supreme Court has held that the courts should not substitute the findings of the Selection Boards and accordingly placed reliance on the following judgments:

(a) **Union of India Vs. Lt Gen RS Kadyan**, (2000) 6 SCC 698

- (b) **Maj Gen IPS Dewan Vs UOI and Others**, (1995) 3 SCC 383
- (c) **AVM S L Chhabra, VSM Vs. UOI**, 1993 Supp (4) SCC 441
- (d) **Dalpat Abasaheb Solunkie Vs BS Mahajan**, (1990) 1 SCC 305
- (e) **Lt Col Amrik Singh Vs. UOI**, (2001) 10 SCC 424
- (f) **Maj Surinder Shukla Vs UOI and Others**, (2008) 2 SCC 649.

### **Consideration of the Case**

15. Having heard both parties at length, the issues that merit consideration is whether the Respondents were justified in rejecting the complaints dated 18.04.2019 and 30.11.2019; whether any of the impugned CRs in these complaints merit any interference; and whether the applicant has been fairly considered by the SSB. The respondents have handed over to the court the CR dossier, the files pertaining to the examination of the complaints and Board Proceedings of the SSB. These have been examined by us.

## **Complaints**

16. The applicant has filed two statutory complaints. Complaint dated 18.04.2019 is against the CR covering the period 12/2017-06/2018 and complaint dated 30.11.2019 is against his non-empanelment to the rank of Lt Gen by the SSB held in Dec 2018. Both the complaints are being examined here in view of the prayers made by the applicant in the OA.

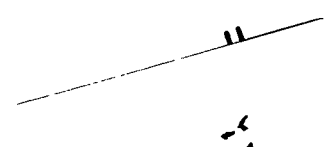
17. Complaint-1. The statutory complaint dated 18.04.2019 is against the CR covering the period 12/2017 to 06/2018 earned as the GOC of the Arty Div. The applicant has highlighted his service profile and achievements as the GOC of the Arty Div. It was his case that though the appointment of GOC Arty Div was a staff appointment, he faced the same challenges as any other regular Gen Cadre GOC of a Div. Also, that Non Gen Cadre officers holding critical appointments in a Gen Cadre environment must be given additional weightage. It was his grievance that his innovative ideas did not elicit the appropriate response from the hierarchy who merely saw the applicant only as an Arty Advisor. That the CR was biased and the applicant was graded in

a strict manner due to professional differences on employment of artillery. The applicant had thus prayed that the impugned CR be reviewed and inconsistencies/ aberrations, if any, be expunged, and that he be reconsidered by SSB as a fresh case. Examination of the complaint entailed a review of the complete profile of the applicant from the rank of Col. The applicant had earned two CRs as GoC of Arty Div. The impugned CR was the first CR and the applicant had been assessed as 'above average'. The second CR covering the period 07/2018 to 10/2018 was an outstanding report. Since the report was technically valid, performance based and well corroborated by the reporting officers, the examination concluded that the CR did not merit any interference. Accordingly, it was rejected vide order dated 06.11.2019.

18. Complaint-2. This statutory complaint dated 30.11.2019 was against his non-empanelment to the rank of Lt Gen by the SSB held in Dec 2018 for the NGCSS. The applicant had highlighted his service profile and achievements as GOC Arty Div and that his professional acumen and contribution was disregarded by his superior officers. That



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since he too underwent all the challenges of commanding a Div, just as a Gen Cdr officer, special weightage should be given in the SSB. The applicant prayed that his complete service profile be checked, especially the CRs earned as GOC of Arty Div and inconsistencies/aberrations, if any, be set aside and that he be considered afresh by SSB. The examination reviewed the complete profile of the applicant and in particular the reports earned as the GOC of Arty Div. The examination concluded that both the reports were well corroborated, balanced and performance based and in consonance with the applicant's overall profile. Thus, both the CRs did not merit any interference. Accordingly, the complaint was rejected vide order dated 04.06.2020.

### **CRs**

19. The reckonable profile of the applicant has a total 20 CRs; 02 in the rank of Maj Gen; 10 in the rank of Brig and 08 in the rank of Col. We have examined both the CRs earned as GOC Arty Div. While the first CR is boxed 8,8,8 by the IO/RO/SRO, the second CR is boxed 9,-,9 by the IO/RO/SRO. In the rank of Maj Gen, 40% box grading are



outstanding while balance 60% was 'above average' with no 7-point assessment or any weak/adverse remarks. In the rank of Brig the applicant had 96% 'outstanding' box grading with the balance 4% as 'above average'. And in the rank of Col he had 62% box grading as 'outstanding' with the balance 38% as 'above average'. The applicant had not impugned any CR earned in the rank of Brig/Col. During internal assessment, the first impugned CR covering the period 12/2017-06/2018 has been enfaced as 'Deflated Report'. However, the overall CR profile is well corroborated, performance based and technically valid. Therefore, none of the CRs merit any further interference now.

20. We have examined the issue of reports enfaced as 'Deflated' in an order dated 08.08.2023 in OA 06 of 2023 **Brig Rohit Mehta** vs. **UOI and Ors.** Relevant extracts are reproduced below: -

*22. Internal Assessment CR-4 and 5. During the — internal assessment of CR-4, the MS Branch noted that in comparison to the past CR average of the applicant, this CR had a variation beyond the permissible lower limits and therefore, the competent authority approved that the CR be enfaced as 'Deflated'. In the case of CR-5 too, the variation in comparison to the past CR average was beyond the permissible lower limits and was also thus enfaced as 'Deflated'.*

*23. However, it is seen from the present case that there is no formal laid down policy as to how deflated reports are to be dealt with, except that the particular CR*

*is en faced as 'Deflated'. Even where such enfacement is brought to the notice of a Selection Board, it is left to the consideration of the Selection Board as to how it should be dealt with. Therefore, in the absence of a policy on how a deflated report is to be moderated/dealt with, there is likely to be an element of subjectivity in dealing with such reports, which is likely to place a ratee at a disadvantage in all considerations where CR inputs are taken. Thus, in our view there have to be policy directions on how a deflated report is to be dealt with, since it impacts the overall assessment of an officer. The respondents should examine this issue and formulate a policy of how deflated reports are to be expunged/moderated and assimilated optimally in the assessment system so that a ratee is not placed at a disadvantage due to certain whimsical reports.*

The respondents should review the issue and formulate a suitable policy on how deflated reports are to be dealt with.

**SSB**

21. Relevant extracts of MS Branch letter dated 23.12.2017 are reproduced below-

*Integrated HQ of MoD (Army)  
Military Secretary Branch  
DHQ PO, New Delhi -110011*

*23 Dec 17*

*04502/MS Policy*

*Headquarters*

*Southern Command(MS)*

*Eastern Command(MS)*

*Western Command(MS)*

*Central Command(MS)*

*Northern Command(MS)*

*Army Training Command (MS)*

*South Western Comma d (MS)*

*IDS(MS& SD)*

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**PROMOTION POLICY: SPECIAL SELECTION BOARD & NO 1  
SELECTION BOARD**

1. *The issue of bringing more objectivity transparency and fairness in the Promotion Policy for officers in the Indian Army has been felt for some time.*
2. *The following guidelines on the subject have been approved by the competent authority.*

**Schedule of Selection Boards**

3. *No 1 SB & SSB will be held only once in a year as per fixed schedule, wherein one batch will be considered every year. However, in order to achieve the objective of reducing age profile in the ranks of Maj Gen & Lt Gen, four such Boards for promotion to the ranks of Maj Gen & Lt Gen will be held in three years as described in subsequent paragraphs; after which the system of annual scheduling of Selection Boards will be restored.*

**Vacancy Calculation: Special Selection Board (SSB)**

4. **General Cadre (GC)**

(a) *The vacancy calculation will be on actual basis for one year term (01 January to 31 December). However, to align with Para 3 above, such calculation will be on actual basis averaged for nine months term (eg. if actual accrual of vacancies in one year comes to 16, then the allocation to affected batch will be =  $16 \times 9/12=12$ ); after four batches, the system of vacancy calculation on actual basis for one year term will be restored.*

(b) *Calculation of vacancies for 'Command and Staff' Stream will be based on tenures of Corps Cdrs, which will be stipulated at 18 months. However, in the interim period till the time the desired reduction in ages of command is achieved and also keeping in mind the operational imperatives and AE requirements, the actual tenures may have to be varied by approximately three to four months. Such varied tenures, will however be deemed to be compliant as full tenure for the purpose of consideration of offers for appointment as Army Commander.*

(c) The tentative Scheduling of SSB and method of calculation of vacancies is given at Appendix A.

5. **Corps Specific Stream.** The vacancies for SSB of Corps Specific Stream will be calculated on actual basis for a one year term (01 January to 31 December).

6. **Non General Cadre Staff Stream.** The vacancies for Non General Cadre Staff Stream will be calculated in actual basis for a one year term (01 January to 31 December).

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**Consideration: No 1 SB and SSB**

10. **Batch-wise Consideration.** Officers will be considered for promotion to the select rank of Maj Gen and Lt Gen batch-wise. The No 1 SB and SSB will be held only when a fresh batch is physically available for consideration (they will constitute the Fresh Agenda) and vacancies are accruing in that year/period. In the event of non-availability of a fresh batch during a year/period, the No 1 SB & SSB will be conducted with the next available fresh batch if vacancies are occurring in that year/period.

11. **First and Final Review Cases.** First and Final Review cases will form part of the Agenda of the batch under consideration and will only be considered along with the next physically available Fresh Batch. For example, First Review cases of 1984 Batch or Final Review cases of 1983 Batch can only be considered along with the next physically available Fresh Batch of 1985. In case, Fresh Batch of 1985 is not physically available for consideration due to any reason, then the Review Cases will have no claim to be considered independently or as the Fresh Batch of 1985. These officers will be considered for promotion only with the next Fresh Batch which is physically available, in this case the 1986 Batch and so on.

12. **Batch Year of Seniority (BYOS)** The Review Cases when empanelled will reckon Batch Year of Seniority (BYOS) of the Fresh Batch with which considered for subsequent consideration to the next rank. For example, A First Review Case of 1983 Batch considered along with the Fresh Batch of 1984 (as and when physically available), if empanelled, will reckon BYOS of 1984 for all purposes.

**Eligibility Conditions : SSB**

13. **General Cadre:** All officers including GC inductee officers empanelled and promoted as Maj Gens in "Command and Staff" Stream, will be eligible for consideration for promotion to the rank of Lt Gen in GC as per their seniority. However, if an officer empanelled in 'Staff Only' Stream as a Fresh Case, gets empanelled later in 'Command & Staff' Stream as First Review or a Final Review case, then he too will be eligible for consideration for promotion to the rank of Lt Gen (GC) with the batch with which he got empanelled in 'Command & Staff' Stream based on his reviewed BYOS. This seniority will then reckon for all future considerations.

14. **Non General Cadre Staff Stream (NGCSS)** The Maj Gens of a particular batch of Arty Engrs, Sigs, AAD, ASC, AOC and EME will be eligible for consideration for promotion to the rank of Lt Gen for NGCSS vacancies. While considering an officer for NGCSS, the recommendations in Confidential Reports for suitability for staff appointments and experience on staff assignments in all Arms environment will also be considered by the Board. Maj Gens who have already been empanelled in the Corps Specific Stream, will not be considered for NGCSS.

15. **Corps Specific Stream.** Lt Gens of NGCSS (provided they have minimum 18 months residual service on the date of occurrence of the Corps Specific vacancy) and Maj Gens of Corps Specific Stream, will be eligible for consideration for promotion to the rank of Lt Gen in Corps Specific Stream. The recommendations for approval from the panel will be restricted to the number of vacancies available in Corps Specific Stream and the number of specified appointments in a Corps will not be exceeded.

16. **Simultaneous Consideration:** In case the SSB for NGCSS and Corps Specific Stream in respect of any Arm of Service is held simultaneously for a particular batch, then the collegiate will recommend the officer for either NGCSS or Corps Specific Stream based on following parameters and the same will be recorded in the Board Proceedings:

- (a) Suitability/ employability of the officer in NGCSS or Corps Specific Stream.
- (b) Date of superannuation of the officer.

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**Superannuation Before Occurrence of First Vacancy**

  
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19. *If an officer is superannuating before the occurrence of the first vacancy then he will not be eligible for consideration by No 1 SB or SSB. The name of the officer will be included in the agenda and shown as 'Not Eligible'. If all the officers of a particular batch are superannuating before the occurrence of the first vacancy then the next batch will be considered by No 1 SB or SSB, as the case may be.*

22. The Supreme Court in its judgment dated 14.09.2011 of **Hardev Singh Vs. Union of India** (Civil Appeal No. 3973 of 2010) has held that when an officer was being considered for promotion, he is to be considered by the policy in vogue then. The relevant extracts are given below:

21. *The above facts would make it clear that the cases of the appellant and others were never considered by the SSB in 2008 or prior to 1st January, 2009. It means that the cases were considered as per the new policy and, therefore, all submissions made on behalf of the appellant that the policy was changed after the process of selection had been started are not correct and, therefore, they are to be discarded.*

23. Regarding the issue pertaining to the judicial review of the grading of an officer it has been made clear by the judgement of Hon'ble Supreme Court in case of **Air Vice Marshal S.L. Chhabra, VSM vs UoI & Ors,** The relevant extracts are given below:

13. *According to us, neither the High Court nor this Court can moderate the appraisal and the grading of the appellant , particular year. While exercising the power of judicial review, a court s, not venture to assess and appraise the merit or the grading of an officer.*



24. The applicant not being a Gen Cadre officer was considered for empanelment first in the NGCSS and being an Arty officer, he was also to be considered for empanelment in the Corps specific stream. The applicant has not been empanelled due to his overall comparative merit amongst those considered. The details of considerations are tabulated below:

| Ser | Board                                       | Consideration | BYOS | Vacancies | Remarks  |
|-----|---|---------------|------|-----------|--|
| (a) | Non-Gen Cadre Staff Stream 1984<br>Dec 2018 | Fresh         | 1984 | 04        | NE<br>OOM- 93.298<br>Last offr- 96.329                 |
| (b) | Non-Gen Cadre Staff Stream 1985<br>Dec 2020 | First Review  | 1985 | 03        | NE<br>OOM- 94.525<br>Last offr- 95.989                 |
| (d) | Non-Gen Cadre Staff Stream 1986<br>Feb 2021 | Final Review  | 1986 | 05        | NE<br>OOM- 94.356<br>Last offr- 95.898                 |
| (d) | Arty Corps Specific 1984                    |               | 1984 | 01        | Not eligible since superannuating before first vacancy |

### **Conclusion**

25. In view of the above consideration, we conclude that neither of the CRs earned as GOC Arty Div merit any interference at this stage. The complaints have been fairly examined and the respondents are justified in rejecting both the impugned complaints. The applicant has

been fairly considered by SSB in the NGCSS and he has not been empanelled due to his overall comparative merit amongst those considered. Further as per the current policy the applicant was ineligible for consideration by the SSB for the Corps Specific Stream as he was due to retire before the first vacancy accrued.

26. The OA is accordingly dismissed being bereft of any merit.

Pronounced in the open Court on this day of ..... May 2024.

  
**(JUSTICE RAJENDRA ..... ON)  
CHAIRMAN**

  
**(LT GEN P.M. HARIZ)  
MEMBER (A)**

Ashok