

COURT NO.1, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA 987/2020

Gp Capt AP Ranganathan
VERSUS
Union of India and Ors.

... Applicant

... Respondent

For Applicant:

Mr. A.K. Aggarwal, Advocate

For Respondent:

Mr. Anil Gautam, Sr. CGSC

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE LT. GEN P M HARIZ, MEMBER(A)

ORDER

The present application has been filed under Section 14 of the Armed Forces Tribunal Act, 2007 by the applicant, a serving Group Captain (Gp Capt) of Logistics (Lgs) branch of the Indian Air Force (IAF). He is aggrieved on not being empanelled to the rank of Air Commodore (Air Cmde) by the Promotion PB-1/2020(Lgs). The applicant has made the following prayers:

- (a) Quash the impugned order no. 1 dated 13.3.2020 i.e. the Select Merit List (SML) declared by PB-1/2020 (Lgs).
- (b) Call for the applicant's last 10 years' ARs i.e. from 2010 to 2019. Expunge the ARs of 2016 and 2017 if found aberrant and

downgraded vis-à-vis the consistent pattern of the applicant's last 10 years' ARs.

(c) Restore the ARs of 2018 & 2019 to the original ones given by the IO, RO and SRO, at the ADE, by setting aside any downward moderation having been done at Air HQ during review.

(d) Call for the proceedings of PB-1/2020 (Lgs).

(e) Direct review of PB-1/2020 (Lgs) taking into account the expunction of the applicant's ARs of 2016 & 2017 and restoration of his ARs of 2018 & 2019 to the original ADE grading.

(f) Direct the review PB-1/2020 (Lgs) to comply with Para 11(a) of the Promotion Policy, by recommending six officers instead of five, against six vacancies due to arise in 2020-21 and in keeping with the mandate of 1:2 ratio of promotion.

(g) Award costs of the litigation to the applicant.

(h) Pass any other or such further order/(s) as may be deemed just and proper in the facts & circumstances of the instant matter.

(i) In the interim direct suspension of/stay the empanelment of the impugned letter till a review PB-1/2020(Lgs) is conducted as prayed for.

Brief Facts of the Case

2. The applicant was commissioned in the IAF on 14.06.1989 and was subsequently posted at the Aeronautical Development Establishment (ADE) under DRDO, Bangalore. The applicant was conferred commendations by Air Officer Commanding in Chief (AOC-in-C), Eastern Air Command (EAC) on 15th August 1991 and by Chief of Air Staff (CAS) on 08 October 2002.

3. The applicant was considered for the rank of Air Cmde by PB-1/2020 (Lgs) held in Jan 2020 as his first consideration but was not empanelled. Aggrieved by his non-empanelment, the applicant filed a statutory complaint dated 23.03.2020 seeking scrutiny of ARs for the years 2016 & 2017, restoration of his 2018 & 2019 ARs, review of PB-1/2020 (Lgs) after making changes in the applicant's AR dossier, and that directions be issued to recommend six officers for promotion instead of five. The competent authority examined and disposed of the application stating it was devoid of any merit and, that applicant was not empanelled due to his comparative merit. This was communicated vide Air HQ letter dated 20.05.2020 (Annexure 2). It is the case of applicant that his promotional prospects have so suffered mainly due to the low assessment for the years 2016 & 2017 which was contrary to his

demonstrated performance, as also by the downward moderation of his ARs for the years 2018 & 2019 earned while serving with ADE, Bangalore and also because only five officers were recommended for promotion instead of six. Hence the instant OA.

Arguments by Counsel for the Applicant

4. The counsel reiterated the service profile of the applicant and highlighted his achievements. Despite the exemplary service record and professional acumen, the applicant was not empanelled for promotion to the rank of Air Cmde by the PB-1/2020 held in January 2020. The counsel further elaborated that four CRs were being impugned; CRs for the years 2016, 2017, 2018, and 2019. He added that in the CRs for the years 2016 and 2017, the IO had given a low assessment that was not commensurate with the applicant's demonstrated performance. Additionally, he stated that the CRs for the years 2018 and 2019, earned while serving with ADE, an organization outside the Air Force, had been moderated by the Air HQ. All these factors had resulted in his non-empanelment.

5. The Counsel then drew our attention to the promotion policy dated 30.12.2015 (Annexure A-3) and elaborated on Para 11,12 and 16 regarding the zone of consideration, number of chances and preparation

of the merit list. The Counsel further drew our attention to AFO 6/2012 (Annexure A-4) regarding the 'Appraisal Reports of IAF Officers' and, in particular, explained and emphasized the contents of Para 16, 17, and 18 regarding the hierarchy of reporting officers and the process of review of reports at the Air HQ.

6. The Counsel vehemently asserted that Para 18 of AFO 6/2012 was not applicable in his case and that the Air HQ could not have reviewed his CRs as he had earned these CRs whilst serving outside the Air Force organization. Furthermore, referring to Para 48 regarding the review of CR, the counsel asserted that the applicant's CR earned while serving at ADE was not to be reviewed at the Air HQ since this rule was applicable only to IAF officers serving in IAF establishments. Since the provisions do not explicitly mention that they are applicable to officers serving outside the IAF, this issue requires serious consideration. Additionally, referring to Para 51, the counsel highlighted the time taken for the disposal of CRs. Referring to Annexure A-16, the counsel emphasized that the details of the CR channel of reporting in Tri-service and other establishments outside the IAF were a new provision in AFO 6/2012. He further explained that the applicant was posted to an organization where the Controlling HQ was not the IAF.

7. Referring to the CRs of 2016 and 2017, whilst the applicant was posted as the Station Commander of 27 ED, the counsel explained the details of an administrative issue in the Station about which the applicant had voiced his concern. That the applicant had requested that the decision of Command HQ, Maintenance Command in this regard be reviewed, as indicated in the letter dated 18.10.2016 (Annexure A-9). The counsel further added that rather than viewing the issue in its perspective, Command HQ took an adverse notice of it and issued a counselling letter to the applicant vide letter dated 02.11.2016 (Annexure A-11). The counsel further added that during the visit of AOC-in-C to the 27 ED, he made an explicit reference to the applicant's letter dated 18.10.2016. Thus, when the applicant's CR for the period ending 30.10.2016 was handed over to the AOC-in-C, who was his IO, the CR was held back and was not forwarded to Air HQ within the stipulated time. It was finally forwarded only in Dec 2016, that too after degrading the assessment of the applicant. The same IO had initiated the report in 2017 as well.

8. The counsel then elaborated on the representation dated 23.03.2020 regarding the CRs and non-empanelment by PB-1/2020(Lgs). However, the complaint was rejected vide Air HQ letter

dated 20.05.2020 (Annexure A-2). Further, referring to the CRs of 2018 & 2019, the counsel stated that the applicant had been specifically chosen for this appointment based on his professional competence. He drew our attention to the appreciation on the performance of the applicant's team (Annexure A-12).

9. The Counsel, relying on the order of this Tribunal in the case of **Gp Capt T M Rao** Vs. **Union of India & ors** [OA 155/2011], drew our attention to Paras 5, 12, 14. The counsel explained that the petitioner in this OA had sought the moderation of his CRs earned while serving with DRDO from 2002 to 2005. The Tribunal held that the CRs had not been rationally evaluated, and thus the matter was remitted for proper consideration. The counsel explained that the applicant's case here too was similarly placed, wherein his CRs earned in ADE had been moderated, causing major prejudice to his promotional prospects.

10. Further referring to Annexure A-6 and A-7, the counsel highlighted the service profile and appointments held, emphasizing the better comparative merit of the applicant in comparison to the few officers who have been empanelled. The counsel added that the last appraisal given was on 17.07.2008 (Annexure A-8) and mentioned that the applicant was performing well, yet his subsequent appraisal due in 2012 had not

been received. He emphasized that reports have a cumulative effect and prayed that the impugned CRs be set aside, as they were an aberration in his overall profile.

11. Additionally, referring to Annexure A-13, the counsel elaborated that twelve officers of the Lgs Branch were due for consideration by PB-1/2020(Lgs) against a total of six vacancies. He further stated that the Respondent utilized and promoted only five officers, even though there were six vacancies. He asserted that had the sixth vacancy also been utilized, the applicant would have been promoted. The counsel then drew our attention to Annexure A-14 and elaborated on the impact on the overall merit of the applicant had these CRs been set aside or documented correctly.

Arguments by Counsel for the Respondents

12. Per contra to the assertions raised by the applicant, counsel for the respondent stated that the comparison drawn by the applicant to other respondents (Annexure A-6), who were empanelled for promotion by PB-1/2020(Lgs) lacked validity. The counsel emphasised that the promotion to the rank of Air Cmde strictly adhered to the promotion policy, relying on merit cum suitability devoid of any scope for subjectivity. Furthermore, the contention that the applicant held a high

merit ranking at the time of promotion to the rank of Gp Capt did not ipso facto imply that the evaluation of the applicant would be transposed based only on his preceding merit.

13. The counsel denying the allegations made against the AOC-in-C, reiterated that the numerical assessment awarded by him in both ARs of 2016 & 2017 was truly reflective of the applicant's demonstrated performance during his appraisal period with matching pen picture corroborated by the assessment given by the RO. Subsequently, when the ARs were reviewed by the authority, it was found that no adverse comments/gradings were mentioned.

14. The counsel stated that ARs for the year 2018 & 2019 raised in ADE, Bangalore were also based on the applicant's demonstrated performance and was also in sync with the assessment by the RO in the reporting channel before it was finally reviewed by the Air HQ.

15. The counsel challenged the allegations made by the applicant regarding Paragraphs 18 and 49 of AFO 06/2012, which were claimed to be the cause of downward moderation. The counsel contended that the norms for the mandatory review of Annual Reports (ARs) were established in accordance with paras 18, 48, and 49 and was applicable to all officers. Furthermore, he emphasized that the final review of ARs

at Air Headquarters, governed by Para 18 of AFO 06/2012, was applicable to all officers. Addressing the applicant's request to consider his original AR gradings awarded by the IO/RO/SRO before the review, it was argued that such consideration would be discriminatory to other officers whose ARs have similarly undergone mandatory review, consistent with the existing policy.

16. The counsel for the respondents asserted that the promotion boards were conducted in accordance with the provisions of the promotion policy dated 30.12.2015. The relative merit of officers under consideration was evaluated based on 'ACR marks' and 'Board Marks' with a weightage of 95:5, respectively. The average numerical grading of the past 10 years is taken into account. Furthermore, it was stated that the applicant was considered as a first timer but was not empanelled for promotion to the rank of Air Cmde based on his comparative merit. It was emphasized that all the contested ARs were reviewed in accordance with AFO 06/2020, and no anomaly was identified by Air Headquarters.

17. The counsel clarified that in accordance with Para 11(a) of the 'Promotion Policy - Air Ranks' dated 30.12.2015, twelve officers were considered for five vacancies in PB-1/2020, with one vacancy reserved

for an officer scheduled to revert on termination of APPPA course. This information was communicated vide a letter dated 20.05.2020.

18. The counsel added that the officer's representation dated 23.03.2020 was duly considered under Sec 27 of AF Act 1950 and Para 622(j) of the Regulations for the Air Force and was rejected by the CAS based on the merits of the case. This was conveyed vide Air HQ letter dated 20.05.2020.

19. In support of his submissions, learned counsel placed reliance on the verdicts of this Court in the cases of:

- (a) **Gp Capt. VT Parnaik** Vs. **Union of India & Ors** [OA 600/2010]
- (b) **Gp Capt RK Raksha** Vs. **Union of India & Ors** [OA 153/2013]
- (c) **Gp Capt RK Khattri** Vs. **Union of India** [OA 376 OF 2013]
- (d) **Air Cmde Devender Sharma** Vs. **Union of India & Ors**
[OA 554/2016]
- (e) **Gp Capt NPS Thaprial** Vs. **Union of India** [OA 724 of 2019]

Consideration of the Case

20. Having heard both the parties at length, the issues that requires consideration are whether any of the ARs of the applicant merit any interference; whether the PB No.1(Lgs) have been conducted as per the

policy and whether Air HQ is entitled to review the ARs of the applicant earned whilst serving with ADE, Bangalore.

Review of CRs at Command HQ/Air HQ

21. Appraisal Reports of IAF officers is governed by AFO 06/2012.

Review of ARs is governed by Para 18 and Review of ARs at Air HQ/Civil HQ is governed by Para 48 and 49 of the AFO. They are extracted below:

"18. The RO will be the officer senior to the IO and higher in the chain of command. The SRO will be the officer senior to the RO and higher in the chain of command. Grading / Av Grading given by the SRO or the last officer in the reviewing chain would be considered as the final grading of an AR. If the remarks of the reporting and reviewing officers are at variance, then the remarks annotated by the last reporting / reviewing officer would be considered as the final remarks. The final marks awarded to an appraisee would be reviewed in light of his/her performance profile. Any anomalies in assessment would be reviewed at Air HQ. Review of ARs for officers up to the rank of Gp Capt (TS) will be carried out by a board of officers (BOO) presided over by an officer who is of the same or higher rank than the last reviewing officer. Amongst numerous aspects, the appraisee's performance profile, job content, location and 10/RO/SRO combination are to be taken into account when carrying out this review and awarding the final marks.

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Review of ARs at Air HQ/Command HQ

48. Review of all ARs must be carried out at Command HQs/ Air HQs. The ARs of all officers up to the rank of Gp Capt (TS) should be reviewed by the senior most officers working under the respective branch head at Command HQ. These reviewing officers are to be designated by name by the AOC-in-C of the respective HO in writing. The letter authorising these officers for review at Command HQ should be sent to DPO-4 at Air HQs. The ARs of all officers of the rank of Gp Capt (Select) and above should be reviewed by AOSC-in-C at Command HQ and by PSOs at Air HQ.

49. Whenever the RO / SRO is posted at Command/ Air HQ, their review would be construed as Command HQ / Air HQ review. The reviewing officers at Air HQs /Command HQ should check correctness of the AR as mentioned in this AFO and should also include the following in their review: -

(a) ARs of Wg Cdrs holding appointments of Unit Commander, COO, CEO and C Adm O at Units / Stations / Wings should be reviewed by the AOsc-in-C at the Command HQ and the respective PSOs at Air HQ. ARs of Sqn Ldrs / Flt Lts holding the appointments of CO of units should be reviewed at the level of respective Branch heads /PSOs at Command 1 Air HQ.

(b) The rank of reviewing officer at Command HQs/ Air HQ should at least be the same as that of the last reviewing officer in the appraisal channel. If the reviewing officer so detailed is junior in service (even if of the same rank) to the officer who last reviewed the AR, then he/she should endorse the report if in agreement. In case he/she is not in agreement with the last reviewing officer, he is to put up the report for review to the next higher level. There is no mandatory period of contact with the appraisee for the Command review.

(c) Check the assessments, recommendations and remarks of the reporting officers for any inconsistencies and anomalies. Take necessary corrective action and detail the same in the remark's column.

(d) Reviewing officers at Command HQ / Air HQ, who are not 10 / RO / SO, may give their overall assessment in Professional / Behavioural traits. They should enter the numerical grading in the boxes provided in their remarks column only if they are not in agreement with the SRO's grading. If they are in agreement with the SRO's assessment then they should put a cross mark in the boxes. Whenever a reviewing officer wants to change the numerical assessment assigned by the previous reporting officer, reasons for doing so must be adequately brought out in narrative form in the remark's column.

(e) All ARs with grading of 7.5 and above in either Professional factors or in Behavioural factors or in both and all Adverse ARs are to be reviewed by AOsc-in-C at Command HQ or respective PSOs at Air HQ."

22. As per the provisions of AFO 6/2012, the review of all ARs with grades of 7.5 and above in either 'Professional Factors' or in 'Behavioural Factors' or in both and all adverse ARs are to be reviewed by AOC-in-C at Command HQ or respective PSOs at Army HQ. Thus, the process of

review is uniformly applied to all officers. Moreover, many IAF officers are posted/ deputed to Army, Navy, Tri-service institutions and civil organisations. The appraisal methodology of these organisations is different from that of IAF. This manifests in the IAF officers, serving in such organisations, being assessed on different scales. The appraisal report is an assessment of demonstrated performance and manifested behaviour during the period of report. Review of the ARs at Air HQs is a key element of the reporting system and is scientifically designed to rule out anomalies and inconsistencies in ARs and ensures level playing ground for all the officers of the Air Force. Variation review at Air HQs is carried out when a large upwards and downwards variation is noticed between the numerical grading awarded, when compared to the officer's AR average for the preceding five years. The Air HQ review is needed to maintain objectivity and uniformity in assessments of all officers.

23. The final review of ARs at Air HQ is governed by Para 18 of AFO 06/2012. Para 18 provides for review of AR in comparison to the past five-year performance profile of the officer. Since the record of past five-year performance profile is only available at Air HQ, the review contemplated in Para 18 can only be done by the competent authority at Air HQ and not by any authority in a lower formation including AOC-in-C

at the Command HQ. On the basis of performance profile of the appraisee, the Air HQ reviews the final grading/marks without any change of assessment made in the remark's column. The issue of Final Review of AR at Air HQ has been examined and upheld by this Tribunal in numerous cases;

(a) **Gp Capt VT Parnaik** Vs. **Union of India** [OA 600 Of 2010]

dated 04.02.2011

(b) **Gp Capt TM Rao** Vs. **Union of India** [OA 155 OF 2011]

dated 06.01.2012

(c) **Gp Capt RK Khattri** Vs. **Union of India** [OA 376 OF 2013]

dated 15.01.2014

(d) **Gp Capt NPS Thaprial** Vs. **Union of India** [OA 724 of 2019]

dated 15.03.2019

Thus, we have no hesitation in upholding the primary review undertaken at Air HQ as part of the organizational system of maintaining objectivity and conformity in the appraisal system.

Promotion Board No.1

24. The promotion policy for the Air Ranks is laid down vide Air HQ letter dated 30.12.2015 'Promotion Policy – Air Ranks'. This policy lays down the conduct of Special Promotion Boards for promotion to the rank

of Air Marshals and PB-1 for promotion of Gp Capt to Air Cmde and Air Cmde to Air Vice Marshal. The relevant extracts are given below:

Periodicity

8. The Promotion Boards shall assemble once a year or more, depending upon the specific requirement. The first assembly of the Boards will normally be during Dec to Mar preceding the promotion year.

Promotion Year

9. The promotion year shall be from 01 Apr of the year to 31 Mar of the next year, both dates inclusive.

Promotion Considerations

Computation of Vacancies

10. (a) Special Promotion Board and No 1 Promotion Board will take into account vacancies in the respective Air rank i.e. Air Marshal, AVM and Air Cmde which will arise during the promotion year. For this purpose, vacancies arising on 31 Mar of the promotion year due to retirement/ premature retirements, will be counted against the vacancies arising during the same promotion year, though actually available only on 01 Apr of the next promotion year.

(b) An officer who himself is due to retire on the last day of the month shall not be eligible to be promoted against the vacancy which arises due to retirement of an Air Marshal, AVM and Air Cmde on that day since the vacancy will be available only on the next day.

Zone of consideration

11. (a) Zone of Consideration will be 2 times the number of vacancies occurring. However, if Zone of Consideration extends to the next course, then all officers who have retained their seniority from that course would be considered.

(b) All the second and third timers will necessarily form part of zone of consideration, irrespective of the number of vacancies.

(c) In cases where available officers in any branch from which promotions are to be made is less than the stipulated zone of consideration of 2 times, the actual number of officers available will form the zone of consideration.

(d) In exceptional circumstances where officers appearing in the zone of consideration are retiring before the occurrence of the first vacancy in the promotion year, thereby reducing the effective consideration ratio below the

ratio as stipulated in para 11(a), the zone will be extended by including as many eligible officers as are required to make the effective consideration ratio equal to the ratio as stipulated in para 11(a). However, if Zone of Consideration extends to the next course, then all officers who have retained their seniority from that course would be considered.

Number of Chances

12. An officer will be entitled to be considered by the Promotion Board a maximum upto three times. If he is not promoted during these three chances he will not be considered again and will be treated as Permanently Passed Over (PPO).

An officer who has been approved for promotion to the next higher rank but is in Low Medical Category (LMC) will not be promoted so long as he does not regain promotable medical category. In case the officer is promoted from subsequent Board(s), he will be given seniority in the promoted rank from the Board which cleared him for the first time provided he is continuously cleared by consecutive Promotion Board(s). If there is a break in continuous clearance by the Board(s), he will be given seniority in the promoted rank from the Board which cleared him last.

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Selection Process

16. Preparation of Merit List. Merit list will be prepared on the basis of 'AR Marks' and 'Board Marks' with weightage of 95:05 respectively. In the case of promotion to the rank of Air Marshal average of numerical gradings of the available ARs during last five years will be taken into account to determine the AR marks. For promotion to the ranks of Air Cmde and AVMs, average of numerical gradings of available ARs during last ten years will be taken into consideration. 'Board marks' will be sum total of marks given by each member present in the Board meeting on the scale of 05. The guiding principle for Board marks will be based on the following features as discerned from reports raised on the officer in various field and staff appointments held by him in the past: -

- (a) Employability
- (b) Leadership
- (c) Personality
- (d) Potential to hold the responsibility of the next higher rank.

These features have been sub-divided into 24 attributes as a guideline. The same are annexed as Annexure - I.

17. Overall Merit. A Merit List of officers considered by the Board will be prepared on the basis of the total marks obtained in AR Marks and Board Marks. An illustration to demonstrate the actual computation of an officer's marks is placed as Annexure - II to this paper.

In case of the award of Board marks alters the comparative overall merit of an officer resulting in changing his promotion prospects, the Promotion Board shall

record the reasons for awarding low/high marks which would help Competent Authority appreciate the rationale for such a recommendation.

A Select List of the officers will be prepared from the Merit List. The Select List will contain the names of the officers restricted to the number of forecast vacancies and rearranged in the order of seniority. The officers from the list will be promoted in that order.

In case of any additional vacancy / vacancies (unforeseen or ex-cadre), arising during the promotion year, these should be added to the forecast vacancies for the next promotion year and the Promotion Board for the next Promotion Year should be appropriately advanced. The zone of consideration will be as provided in para 11 above. Therefore, there will be no "Select Reserve List".

25. PB-1(Lgs). The applicant was considered by PB-1/2020 held in February 2020 for the empanelment of Gp Capt from the Logistics (Lgs) Branch to the rank of Air Cmde. The Board was convened as per the policy dated 30.12.2015. The Board considered twelve officers, out of which ten officers were being considered for the first time, and one each were being considered for their second and third chances. There were a total of five vacancies. The details of the vacancy statement is as under:

(a)	Chain vacancy	-Nil
(b)	Retirement vacancy	+06
(c)	Additional vacancy	+01 (due to allotment of vacancy on APPPA Course)
(d)	Reserved vacancy for reversion cases	-02 (Reversion of two officers from APPPA course)
Total		+5

26. The overall merit of the officer is 1196.19, whereas the overall merit of the last officer empanelled is 1217.51. Of those considered, the applicant was ninth in the order of merit. Thus, his contention that had the Board promoted six officers instead of five, he would have been empanelled is misplaced. The applicant was considered for his second chance by PB-1/2021 held in February 2021. The PB considered a total of eighteen officers for four vacancies. The eighteen officers included one officer being considered for his third chance; six officers, including the applicant, being considered for their second chance; and eleven officers being considered for their first chance. The applicant was in the ninth position in the overall merit with final marks of 85.939. The marks of the last empanelled officer were 87.747. The applicant was considered by PB-1/2022 for his third chance. The Board considered a total of eighteen officers for a total of seven vacancies. The applicant's final marks were 86.426. The last empanelled officer's marks were 86.882. Thus, it is seen that the PB-1(Lgs) has been conducted as per the policy in vogue and the applicant was not empanelled for promotion to the rank of Air Cmde due to his overall comparative merit amongst those under consideration.

CRs

27. The PB considered the ARs of the last 10 years from 2010-2019 as per the provisions of Para 16 of the policy letter dated 30.12.2015. We have examined the CR dossier of the applicant, and it is seen that the applicant's overall assessment by IO/RO/SRO has been between 7.5 and 8. It is only in the two reports earned at ADE that he has been assessed as 8.5 by all the reporting officers in the chain. The last few years' average of CRs at each point varies from 7.70 to 7.00 for the 'Performance Factors' and from 7.64 to 7.81 for 'Behavioral Factors'. Thus, the final assessment after review by Air HQ varies between 7.78 to 7.92 for 'Performance Factors' and 7.56 to 7.89 for 'Behavioral Factors'. All CRs are performance based and well corroborated by positive pen pictures and recommendations and have been held as technically valid. We, therefore, see no reason to interfere in any of the CRs at this juncture.

Conclusion

28. In view of the above consideration, we conclude that all the contested ARs were reviewed in accordance with AFO 06/2012 and none of the CRs merit any further interference. The boards of PB-01(Lgs) have been held in accordance with the policy in vogue and we do not find any

malafide in the proceedings. The applicant was not empanelled because of his overall comparative merit amongst the officers under consideration and no injustice has been done to him.

29. The OA is therefore, dismissed being bereft of any merit.

Pronounced in the open Court on this day of ⁴ March, 2024.

(RAJENDRA MENON)
CHAIRPERSON

(P M HARIZ)
MEMBER(A)

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