

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

73.

RA 39/2022 WITH MA 3664/2022 IN OA 605/2022

LT Col Ashutosh Singh Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. S S Pandey, Advocate
For Respondents : Mr. Neeraj, Sr. CGSC

CORAM

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

ORDER
18.10.2024

RA 39/2022 WITH MA 3664/2022

This application has been filed by the applicant under Rule 18 of the Armed Forces Tribunal (Procedure) Rules, 2008, seeking a review of an order passed by this Tribunal in OA 605/2022 on 01.06.2022. There is also a delay of 131 days in filing the RA. The applicant contended that his candidature to proceed to a UN mission for which he was selected is based on prior qualifications that were permissible under existing policy.

2. The applicant alleged that he was selected for the DSSC Course No. 75 based on a competitive examination. He asserted that subsequent to his selection for the UN mission, an important course for an officer's career, namely, Defence Services Staff College (DSSC) has been unfairly handled by

the respondents. The applicant compared his situation to that of officers such as Maj SBB Sharma (now Lt Col SBB Sharma), Maj Bibhu Tripathi (nominated for the DSSC course), and Maj Akhil Raj (nominated for the DSTC course in Pune). He claims that these officers were allowed to return before completing their UN missions to participate in their respective courses; thus alleging discrimination that his case was not adequately considered in the original OA.

3. The respondents have filed a detailed reply explaining the distinctions between the applicant's case and those of the aforementioned officers. They clarify that foreign assignments are generally divided into two categories: individual staff officers and officers who are part of the unit contingents on UN Mission. The selection processes for these categories are entirely different. In Para 6, 7, 8, and 9 of their counter affidavit the respondents provide a thorough examination of these differences.

4. Considering the above, we find that the issues raised by the applicant in this review application do not indicate any error apparent on the face of the record. The comparison between the applicant's case who was in category of staff officer of UN and those of the other officers who were part of UN contingent appear to be entirely different, and therefore,

does not warrant a review or recall of the order passed by this Tribunal in OA 605.2022 on 01.06.2022. The applicant may have grounds to pursue his claim on merit, if permissible under the law, at which point the differences in the selection process and other relevant aspects can be addressed and resolved.

5. Accordingly, the RA is dismissed both on merit and also on the ground of delay.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[LT GEN C.A. MOHANTY]
MEMBER (A)