

issue

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

67.

MA 427/2025 in OA 2663/2023

Maj Gen Pawan Bir Singh Lamba Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Indra Sen Singh, Advocate
For Respondents : Mr. K K Tyagi, Sr CGSC
Col Sarika, MS, Legal Cell

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE MS. RASIKA CHAUBE, MEMBER (A)

ORDER
19.02.2025

MA 427/2025

Seeking implementation of an order passed by this Tribunal in OA 2663/2023 on 27th September, 2024 the applicant has filed which application. The applicant's own showing and documents filed by him after disposal of OA indicates that on 04.12.2024 the following communications were made to the applicant:-

- "1. Please refer the following-
 - (a) MS (X) letter NO A/47020/SSB&1SB/DEC24/MS(X) dt 27 Sep 2024
 - (b) Hon'ble AFT (PB), New Delhi order dt 27 Sep 2024 passed in OA No 2663/2023.
- 2. Consequent to approval of competent authority regarding implementation of Hon'ble AFT (PB), New Delhi order dt 27 Sep 2024 passed in OA No 2663/2023, IC47686 Maj Gen PBS Lamba, VSM is hereby included in the agenda of SSB for GC 1991 batch

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tentatively scheduled to be held in Dec 2024 as a Special Review (Fresh) Case of 1988 batch.”

2. The applicant himself has filed this application and in para 9 of the application makes the following assertions:-

“9. That, however, as the Applicant has informally learned, though the Special Selection Board (SSB) was held in Dec’2024 but the respondents have deliberately not considered the Applicant’s name for promotion to rank of Lt General, which is in complete violation of, and utter disregard to, this Hon’ble Court’s above-mentioned final judgment/order. That the exact reason for not considering the Applicant for promotion to the rank of Lt General by SSB held in Dec’ 2024 despite the Competent Authority having directed the Army HQ (Respondent No. 2 & 3) to do so, is not known to the Applicant, nor the same has been communicated to him. However, the Applicant has informally learned that Respondents have not considered the Applicant’s name in the said SSB on the ground that there is no vacancy in the rank of Lt General prior to his retirement on 28.02.2025 in his present rank of Maj General. Needless to mention that in view of the law already settled by Hon’ble Supreme Court, after the reliefs granted by this Hon’ble Court vide aforesaid judgment/order dated 27.09.2024, the Applicant’s entitlement for consideration for promotion as a Special Review (Fresh) Case would relate to the vacancy position obtaining at the time of the original consideration (Fresh Consideration) given to him by the SSB held in Dec’ 2021 (Applicant’s prayer at Para-8 (e) of his OA refers).”

3. It is not known as to why and how and on what basis such assertions have been made by the application and knowledge and source of such an information has also not been disclosed by the applicant. On the contrary, on instructions learned officer, Col. Sarika, appearing for the respondents indicates to us that in pursuance to the

communication MA-5 dated 04.12.2024 the board met, the case of the applicant was considered and the results are yet to be classified.

4. Taking note of the aforesaid factors, we are of the considered view that this is a pre-mature application filed after issuance of the communication dated 04.12.2024 and on the making of assertions, based on vague information that the applicant is not considered we will not entertain such an application. Accordingly this application stands dismissed.

5. Let a copy of this order be provided *DASTI* to learned counsel for the parties.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[RASIKA CHAUBE]
MEMBER (A)

Priya
MA 427/2025