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

OA 3766/2023
with
MA 986/2025

Lt Col Sandhya	.....	**Applicant**
Versus		
Union of India and 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

It is stated by Mr. S.S. Pandey, the learned counsel for the applicant that the issue involved in this matter is covered by a judgement of this Tribunal in the case of in ***Maj Suvalakhmi Borgohain*** Vs. ***Union of India and Ors.*** (OA No.28/2022 with MA No.4443/2023 decided on 03.07.2024) and, therefore, it may be disposed of in terms of the orders passed by this Tribunal in the aforementioned case.

2. Pursuant to our order dated 14.01.2025, the respondents have produced before us the ACR dossiers of the applicant as well as the proceedings of No 5 Selection Board (No 5 SB) for consideration of the applicant for grant of Permanent Commission (PC).

3. We have taken note of the factum that the applicant who was a co-applicant in the case of ***Maj Suvalakhmi Borgohain*** (supra) has challenged the No 5 SB as well as alleged gender discrimination by the way of casual writing of her ACR by the reporting officers. Accordingly, we have given our careful consideration to the CR dossiers and the proceedings of the No 5 SB to analyse whether there has been any subjectivity or bias in the CRs resulting into non-selection for PC qua the applicant.

4. We have observed in the instant case that the applicant has not challenged any particular CR either through the departmental channels for redressal of her grievances or through this OA and therefore, we do not find any reason to set aside any CR. Moreover, in most of the CRs, the applicant had been rated as 'Above Average' with 'Outstanding' grading in personal and demonstrated qualities and in the rest of the CRs she has been graded as an 'Outstanding' officer even in the box gradings by the reporting officers. Her pen pictures have the laudatory without any exception and, therefore, we do not find any subjectivity, bias or discrimination as alleged in any of the CRs.

5. In perusal of the proceedings of No 5 SB held in July, 2021 for SSCW-06 (T) Course, we have noted that total number of applicants from all the disciplines of Technical/Non-Technical/JAG Branches

who were considered by the Board were 342 of which 139 were granted PC. There were 46 vacancies allotted to the Technical Course of which the applicant was a part of; wherein in the last officer granted PC recorded a total of 81.92 marks whereas the applicant was placed at order of merit of 53 with 80.91 marks. Therefore, although graded "Fit for PC", the applicant was only granted extension of service for four years due to low order of comparative merit within her Batch.

6. With the aforesaid observation, the OA stands disposed of in terms of the order passed in ***Maj Suvalakhmi Borgohain*** (supra) as prayed for on behalf of the applicant.

7. No order as to costs.

8. Pending miscellaneous application(s), if any, stands closed.

Pronounced in open Court on this 16th day of May, 2025.

(JUSTICE RAJENDRA MENON)
CHAIRPERSON

(LT GEN C.P. MOHANTY)
MEMBER (A)

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