

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

58.

RA 56/2024 with MA 244/2025 in OA 1350/2020

Nb Sub Kiratwad Dnyanoba Manika ..... Applicant  
Versus  
Union of India & Ors. .... Respondents

For Applicant : Mr. Ajit Kakkar, 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  
24.02.2025

MA 244/2025

Counter affidavit and the reply has been filed. There being some delay in filing the same, this application has been filed seeking condonation of delay. Delay condoned. Counter affidavit and the reply is taken on record.

2. The MA stands disposed of.

RA 56/2024

3. Seeking review of an order passed by this Tribunal in OA 1350/2020 on 23.08.2024, this Review Application has been filed for review under Rule 18 of the AFT Procedure Rules, 2008.

4. Invoking the jurisdiction of this Tribunal u/s 14 of the Armed Forces Tribunal Act, applicant has filed an application before this Tribunal on 21.09.2020. This Tribunal directed

the respondents to grant promotion to the next rank of Sub. from the date due after setting aside the Confidential Report of the periods 01.06.2018 to 31.05.2019. After hearing all concerned, by the order under review, the case of the applicant was allowed and the relief granted to the applicant in para 21 reads as under:

*(a) The complete RO's assessment in the Early CR of 2019 earned by the applicant in 37 AMSD be set aside on grounds of Inconsistency.*

*(b) The JCO be considered afresh for promotion to the rank of Sub with his changed profile as at the relevant time of his original consideration.*

*(c) If found fit for promotion, notionally promote the applicant to the rank of Sub.*

*(d) Grant all pensionary benefits in the rank of Sub on his superannuation on 31.10.2021. Pension and all retiral benefits be then accordingly re-fixed. The applicant will, however, not be not entitled to any back wages for this period.*

*(e) Necessary documentation including issue of a fresh PPO and payment of arrears be completed within a period of three months from the time of receipt of a copy of this order failing which the applicant will be entitled to 6% interest per annum till payment.*

5. From the aforesaid, it is clear that the applicant's case was directed to be considered for grant of notional promotion to the rank of Sub after review, and if found fit for promotion to notionally promote him to the rank of Sub and as he had already retired on 31.10.2021 on attaining the age of

superannuation, it was directed that all pensionary benefits shall be refixed and fresh corrigendum PPO issued.

6. Now, invoking the jurisdiction of this Tribunal, the applicant wants that because he was illegally denied promotion to the rank of Sub and without considering his career progression beyond the rank of Sub is illegal, he should have been considered for promotion and extension of service and then if found fit for promotion to the rank of Sub Maj, he should be granted the same with all consequential benefits.

7. In our considered view, the issue as to whether the applicant is entitled to further consideration for promotion to the rank of Sub Maj is a totally different issue which is based on Promotion Rules applicable for grant of promotion to the said post, the qualifying service in the cadre based and other issues like qualification, experience and CR etc. Once being conscious of the consequences of the judgment, when this Tribunal had limited the prayer of the applicant by notionally promoting him to the rank of Sub and only granted him the benefit of promotion to the rank of Sub and refixation of pension in the said cadre, further relief now in this Review Application, which is a totally different cause of action is not permissible. The scope of review as available to this Tribunal



is very limited, it is akin to the principles of review as laid down in Order 47 Rule 1 of the Code of Civil Procedure, 1908 and keeping in view the legal principles governing grant of review as laid down by the Hon'ble Supreme Court, in the case of Sasi through Legal Representatives Vs. Aravindakshan Nair and Others, (2017) 4 SCC 692, there is no ground made out for review or recall of the order passed, we see no reason apparent on the face of the record.

8. In view of the aforesaid, the RA stands dismissed.

[JUSTICE RAJENDRA MENON]  
CHAIRPERSON

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

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