

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

OA 1000/2018

Ex Sgt G Narahari Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Virender Singh Kadian, Advocate
For Respondents : Mr. Jagdish Chandra, Advocate

Order reserved on 12.08.2025

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER

Invoking the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007, the applicant has filed this Application for the following relief as detailed in para 8 of the OA:-

“(a) direct the respondents to grant out of turn promotion of the rank of Junior Warrant Officer to the applicant from the date as recommended by Board of Officers at Directorate of Adventure, Air Headquarters i.e. respondent No.4. And/or

(b) direct respondents to grant all the consequential and retiral benefits of Junior Warrant Officer rank including interest over the arrears @ 12% p.a. and/or

(c) any other relief which the Hon'ble Tribunal may deem fit and proper in the fact and circumstances of the case also with cost against the respondents.”

2. The applicant claims promotion in the rank of Junior Warrant Officer in the quota reserved for out of turn promotion to an outstanding sportsman.
3. The applicant was enrolled in the Indian Air Force on 14.11.1995 in the trade of Radio Fitter and discharged from service w.e.f. 30.11.2015 after completing 20 years and 17 days of regular service. The applicant is said to be an excellent adventure sports person having excelled in water adventure activities and it is his case that he has participated in various sports activities during his service career and has many world records to his credit. He has also earned national records to his credit. He had indicated various achievements during his career which includes a Swimming Competition undertaken by him from Rewas to Gateway of India in 2012 and Dharamtar to Gateway of India in 2012 again. He said to have participated in the longest Rafting expedition from Gangotri to Gangasagar covering 3000 kms in 16 days and various other activities. It is the case of the applicant that on account of his extraordinary adventurous sports activities, he was recommended for out of turn promotion to the rank of JWO by the Air Head Quarter vide their communication dated 15.07.2015. The out of turn promotion was recommended in terms of the policy applicable for grant of out of turn promotion to deserving sports persons. However, an

objection was raised for grant of this out of turn promotion because of the reason that as per the existing promotion policy, certain medical criterion have to be fulfilled for earning promotion and as the applicant was in Low Medical Category i.e. A4C3(P), it was indicated that he was not entitled for promotion. As per the existing policy for grant of out of turn promotion to such persons who are in the Low Medical Category, a Condonation Board has to be conducted and based on the recommendations of the said Board only as a special case, promotion can be granted to such LMC category personnel. However, it is the case of the applicant that his case was not processed in time for getting him cleared by the Condonation Medical Board. As a result of the delay that was caused by the respondents, the applicant could not earn promotion before his discharge w.e.f. 30.11.2015.

4. It is the case of the applicant that in spite of recommendations made on 15.07.2015 for grant of out of turn promotion, the respondents slept over the matter and as a consequence, the case was delayed and he had retired. Taking us through various documents and material available on record, Shri Kadian, learned counsel for the applicant invited our attention to the policy on promotion and the procedure contemplated for Condonation Board for promotion of Airmen in the low medical category (Annexure A-1) and argued that

{C x. Sgt G. Narahari}

the medical advisor on 30.11.2015 had advised for his promotion, recommendation was approved but as timely action was not taken, in spite of recommendations, he has not been promoted.

5. Learned counsel for the applicant takes us through various documents in support of his contention and invites our attention to certain remarks made in the rejection order dated 23.09.2015 (Annexure A-7) at para 3 by the Directorate of Personnel and Administration to say that because of bias and adamant attitude of the bureaucratic authorities, out of turn promotion, to an outstanding sports person has been denied. The remarks made by the officer are as under:-

"3. Conduct of special condonation board on the grounds of discharge, only in respect of the above named airman, is not feasible. If considered for condonation of LMC as a special case, representation/plea from similar LMC airmen who have been empanelled but have not got a chance to be considered through Condonation Board, due to the proceeding on discharge prior to conduct of Condonation Board, cannot be ruled out, hence is avoidable in the interest of service."

6. Shri Kadiyan, learned counsel for the applicant took us through various provisions and documents available on record, to contend that the medical board had recommended for promotion of the applicant but only because the competent authority raised objections with regard to granting out of turn promotion to the applicant and various other low medical category Airmen claiming

x. Sgt G. Narahari}

similar benefit, it is the case of the applicant that only because of the adamant attitude and malafide action of the authorities concerned that he was deprived from getting the benefit of out of turn promotion.

7. Respondents denied the aforesaid facts and submitted that the policy for grant of promotion in such cases is governed by Air Head Quarter communication bearing No.HQ/C 40651/PA (CPC) dated 14.01.2015 and as per the same, an Airman who is in the low medical category(LMC) A4G3 (P) cannot be promoted to the next higher rank. As per this policy, the applicant was in the non promotable category and in accordance with the provisions of para 31 of the said policy, a one time condonation low medical category board has to be held and based on the recommendations of the said Condonation Board action is taken. Para 31 of the said policy reads as under:-

"31. One time condonation of LMC. An airman placed in low medical category of A4G3 (T/P) or A3G2 (T/P) (For airman aircrew only), if empanelled for promotion, will be considered for promotion to next higher rank with condonation of his LMC through a condonation board to be held at Air HQ in the month of May. Such cases will be forwarded to AFRO by the respective COs / Stn Cdrs / AOsC along with the present medical status. Accordingly, AFRO is to prepare medical case sheet of all the airmen to be considered by Condonation board. The board is to ascertain that the airman is medically capable of performing the trade duties of the next higher rank as per AFO 10/95 satisfactorily without affecting his medical condition. Such condonation for promotion in low medical category shall be available only once in the service career of the airmen. Such condonation, if accorded, shall not become a

precedence or eligibility for subsequent promotion considerations. All future promotion to such airman shall be considered only if he holds medical category A4G1/A4G2 (T/P) (other than airmen aircrew) and A1G1/A2G2(T/P) (for airmen aircrew). The board proceedings will be approved by ACAS (PA & C). The composition of the Board will be as under: -

AOC AFRO	:	Presiding Officer
 DPA.		
Rep of DMS(MB)		Members
<i>Medical Advisor, AFRO and one officer from The specialist Dte appropriate to trades</i>		
 Rep of AFRO	 :	 Secretary

That apart, in the matter of promotion of Airmen, in the low medical category, the same policy in para 28 lays down the following stipulation:-

"28. Criteria for consideration of promotion of airmen (other than aircrew) vis-à-vis their medical categories shall be governed in the following manner:-

(a) A4G1 & A4G2 (T/P). These shall be promotable medical categories for both time bound and select promotions.

(b) A4G3 (T/P). Airmen in low medical category of A4G3 (T/P) shall not be promoted to the next higher select rank. However, such airmen empanelled for promotion shall be promoted only on upgradation of their medical category to promotable medical category during the pendency of the promotion year i.e. A4G1/A4G2 (T/P). However, on upgradation of such medical category, the responsibility for communicating the latest medical category by fastest means to AFRO (Medical Adviser / OIC CP Wing) will be the responsibility of the parent unit and the concerned airman before expiry of validity of the promotion year. For example: An airman is empanelled for promotion to the acting rank of WO in the promotion year 2014-15 and is presently placed in low medical category A4G3 (T). The airman shall have to upgrade his medical category to A4G2 (T/P) or A4G1 and ensure that the same is communicated to AFRO so that his promotion is released before expiry of validity of the promotion panel i.e. prior to 30 Jun. In case he is unable to upgrade his low medical category, he will not be promoted and he will be considered for promotion

afresh in subsequent promotion years. No seniority will be granted to airmen empanelled in one year but not promoted due to medical unsuitability and makes merit in subsequent promotion boards.

(c) A4G4 (T/P). Airmen in LMC A4G4 (T/P) will be eligible only for time bound promotions and not for select promotions.

8. It is the case of the respondents that the case of the applicant for grant of promotion in accordance with the aforesaid policy was placed before the Special Condonation Board. As the Condonation Boards are held only twice in a year i.e. in the month of May and December, the next condonation board was to be held in May 2016 much after the retirement of the applicant.

9. Looking to the peculiar facts of the cases, after obtaining approval from the competent authority, a Special Condonation Board was constituted for considering the case of the applicant before his discharge on 30.11.2015. The Special Condonation Board was held on 23.11.2015 and the matter was, thereafter, referred to the Specialist officer for his comments and opinion. The respondents have produced before us the original proceedings of the Special Condonation Board held on 23.11.2015 and the notings with regard to the specialist's opinion and the approval of the competent authority with regard to considering the case of the applicant before special condonation board and based on the recommendations of the specialist, it is the case of the respondents that the

applicant could not be promoted as his case was not recommended by the competent specialist who went through the medical records of the applicant. Accordingly, it is the case of the respondents that grant of out of turn promotion in accordance to the said policy is not a matter of right. Even an outstanding sports personnel is required to fulfill certain minimum medical condition requirement and as the applicant did not fulfill the said condition, he was not recommended for promotion.

ANALYSIS

10. We have heard learned counsel for the parties at length and perused the facts that have come before us. A policy has been laid down by the Indian Air Force which is promotion policy for Airman dated 14.01.2015 (Annexure R-1). Para 28 of the said policy deals with promotion to Airman in the low medical category. As detailed hereinabove, the medical category governing grant of promotion to Airman is detailed in the said para and admittedly the applicant did not meet the promotable medical category prescribed for promotion to the post in question. The applicant was in low medical category i.e. A4G3 (P) and accordingly, as per para 28(b), a person in A4G3, both permanent or temporary, are not in the promotable category and cannot be promoted to the next higher select rank. However, under para 31 of the promotion policy, an Airman in A4G3 (P) being empanelled for promotion will be considered for promotion to the next higher rank with condition of his low medical category through a

condonation board to be held at the Air HQ in the month of May. Such cases are forwarded by the Air Force Record Officer to the respective commanding officers, station commanders and thereafter forwarded to the board for consideration.

11. Respondents have produced before us the entire records which goes to show that after the case of the applicant for grant of promotion was considered for out of turn promotion to the next higher rank in accordance to the requirement of para 53 of the promotion policy dated 14.01.2025, he was found to be suffering from Axial Spondylo Arthritis an old case and was in low medical category A4G3(P) i.e. a non promotable medical category. Looking to his career profile and special sports activities, the records indicate that as per para 31 of the policy dated 14.01.2015 his case was referred to Air Head Quarter for considering his case for constituting a special medical board. It was also indicated in the note that as per para 31 of the policy, the board would meet only in May 2016 by which time the applicant would be retiring. The records indicate that after due approval of the competent authority and based on recommendations made from time to time, a special condonation board was constituted to meet in November 2015 itself and considered the case of the applicant by the Special Condonation Board well before his date of discharge. As there were other cases also, the Special Condonation board was convened on

23.11.2015 and all seven Airmen, including the applicant, were considered by this medical board for special condonation in the matter of granting them promotion. The special condonation board met on 23rd and 24th of November, 2015 and consisted of seven officers. The board laid down the criteria to be observed to make its recommendations, evaluated the case of these persons who were in the low medical category and gave the recommendations. In the case of the applicant Sgt G Narahari, the board observed that the medical category A4G3(P) awarded to the applicant is not in accordance to the provisions laid down in para 6.7.7(b) iii of the IAP 4303 (4th Edition) and recommended that his case should be reviewed. The presiding officer of the board directed that the case of the applicant be processed separately to examine his suitability for promotion and, therefore, the matter was referred on 27.11.2015 to the special medical advisory authority for examination of the case of the applicant. The special Medical Advisor examined the case of the applicant and found that he may be fit for trade duties with employability restrictions but unfit for high altitude activities. The medical advisor indicated that he is unfit for higher altitude activities and did not change his medical category. The matter was thereafter placed for further consideration before the highest authority and there being no change in the present medical category of the applicant, his promotion to the higher rank was not approved by the competent authority and accordingly as the condonation board maintained

the low medical category in respect of the applicant and after obtaining the specialist comment, it was found that he has been advised regular therapy and treatment, continued medication and there being employability restrictions, prolonged treatment and unfit for high altitude duty, a decision was taken that he was not fit to be granted promotion and he was discharged. The concerned file was moved to the highest authority for approval and the same was approved.

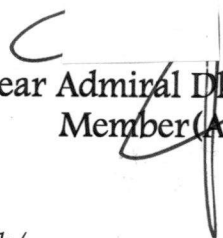
12. From the aforesaid facts and circumstances of the case, it is clear that the case of the applicant for grant of out of turn promotion was considered in spite of his low medical category. The matter went up to the specialist whose opinion was taken and based on the opinion, the highest competent authorities have evaluated his case and have not recommended him for out of turn promotion after his discharge.

13. Taking note of the totality of the facts and circumstances that have come on record, we are satisfied that in accordance with the policy applicable, the case for out of turn promotion of the applicant was evaluated by the authorities concerned at the highest level after constituting a Special Condonation Board to review the case of the applicant and even after the special condonation board, the matter was referred to the specialist advisor and after evaluating the totality of the circumstances, both medical and otherwise the feasibility of granting him

promotion was evaluated and a decision taken which does not indicate any arbitrariness, violation of any policy or terms and conditions of contract.

14. In view of above, finding the respondents to have acted in accordance to the requirements of the policy and the rules, we find no case for making any indulgence into the matter. The OA is, therefore, dismissed.

15. Pronounced in open Court on this the 20 day of August, 2025.


[Rear Admiral Dhiren Vig]
Member(A)


[Justice Rajendra Menon]
Chairman

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