

COURT No.2
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

29.

OA 1001/2020

Nb Sub Dinesh Kumar Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Praveen Kumar, proxy for
Mr. V S Kadian, Advocate
For Respondents : Mr. DK Sabat, Advocate
Maj Satvik Grover, OIC, Legal Cell

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HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE LT GEN C. P. MOHANTY, MEMBER (A)

ORDER
11.03.2025

Counsel present on behalf of the counsel for the applicant submits that he is under instructions from the arguing counsel to make submissions.

2. The applicant vide the present OA makes the following prayers:-

“(a) Set aside and quash the order of the Commanding Officer, not recommending grant of extension to the applicant as published vide part-2 order dated 17-05-2019.

(b) Grant extension to the applicant for a period of two years.

(c) Stay the retirement of the applicant.

(d) Impose exemplary cost on the Respondents for such inaction on their part.

(e) Any other order which this Hon'ble Tribunal feels fit as per the facts of the case.”

3. The applicant was enrolled in the Indian Army on 24.10.2024 in Medical category Shape I and subsequently after various postings submits that he received a Part II Order on 17.05.2019 whereby he was informed that the extension of his service of two years had not been granted despite clearing of the Screening Board proceedings in relation to which he filed a statutory complaint to his Commanding Officer on 04.03.2020.

4. The counter affidavit filed by the respondents dated 19.01.2021 vide averments in paragraph 5 thereof which read to the effect:-

“5. That it is pertinent to mention here that, under the provisions of Integrated HQ of MoD (Army) letter Number B/33098/AG/PS-2(c) date 20 September 2010, it has been clarified that Screening Board is the final authority for granting/ not granting of the extension of service for Personnel below Officer Ranks. The Screening Board did not grant him two years extension of service as the individual failed in Vertical Rope. Horizontal Rope and overall result of physical fitness test. Hence, individual was not eligible for extension of two years of age/ service and the same was published vide this unit Part II Order Number O/0377/0002/2019 date 18May2019 (Photocopy is attached at Annexure-R/4).”

is categorical to the effect that the Screening Board did not grant the applicant two years extension of service as the individual had failed in the vertical rope, horizontal rope and overall result of physical fitness test and thus was not eligible for extension of two years of service which was so published vide the Unit Part II order number O/0377/0002/2019. It has also been submitted fairly on behalf of the applicant that the applicant has since already been discharged.

5. Apparently, in view of the document placed as an Annexure R4 annexed to the counter affidavit filed by the respondents and the assertions made vide para 5 thereof that the applicant was not physically fit for extension of service, the prayers made by the applicant do not merit consideration.

6. The OA 1001/2020 is thus dismissed. _____

(JUSTICE ANU MALHOTRA)
MEMBER (J)

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

AP