

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

OA 1074/2020

Ex Nb Sub Rakesh Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. A.K. Trivedi, Advocate
For Respondents : Ms. Y P Singh, Advocate

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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 applicant has filed this application and calls in question tenability of an order Annexure A-1 dated 09.07.2020 by which he has been discharged from service during the period of probation on account of his inability to meet the QR for further retention in service. Applicant claims to be an outstanding sports person with an outstanding career in sports in the field of boxing. His date of birth is said to be 21.04.1996, after passing his 10+2 examination as he was outstanding sports person and a reputed boxer he joined the Indian Army in the quota reserved for outstanding sports person.

2. According to the applicant, he was selected for the Rio Olympic 2016 and he is said to have been recruited in the Indian

Army on 29.02.2016, against the direct enrolment of meritorious sports person (quota) in the rank of Nb/Sub vide order dated 29.01.2016, the order of appointment is Annexure A-3 and the terms and conditions of the appointment of the applicant is contained in the said order. Para 3 of the order of appointment reads as under;

“Direct enrolled meritorious sportsmen in the rank of Nb Sub will be on probation for a period of three years. The performance of the indl will be closely monitored by the Regt, he is enrolled. The minimum QR that must be fulfilled by a directly enrolled Nb Sub Sportsmen for retention in services is follows:-

“(a) Should have represented the Service Team at least twice in three years in National Championship in team events.

“(b) Should have represented the Service Team in National Championship at least twice in three years in indl events or should have won any medal at least once in National Championship in three years.”

(emphasis supplied)

Thereafter in Para 4, it is clearly stipulated that in case the individual, fails to achieve the above QR criteria and if he does not show improvement in his performance he shall be discharged from service. Records indicate that the applicant has been discharged from service, in view of the non fulfilment of the aforesaid stipulation in the order of appointment (Annexure A-3). It is the case of the applicant after joining the Indian Army he has been working hard with devotion and was improving his skills for boxing. He was commended by the General Officer Commanding-in-Chief, Southern

Command vide Annexure A-4 dated 15.08.2017 for his outstanding performance.

3. It is the case of the applicant that he was selected to represent the state in the 2nd Elite Men's National Boxing Championship 2017 held at Visakhapatnam from 23.10.2017 to 30.10.2017 on the basis of NOC issued by the Service Sports Control Board on 20.10.17. According to the applicant between 2016-17 he participated in the following events and earned medals as indicated in the submission made in Para 4.8 of the petition and the achievements of the applicant in the various competition reads as under;

<i>Sl No.</i>	<i>Name of Competition</i>	<i>Medal</i>
<i>01</i>	<i>Participated in 66th Inter services Boxing Championship 2016.</i>	<i>Silver</i>
<i>02</i>	<i>Participated in 67th Inter Services Championship 2017.</i>	<i>Silver</i>
<i>03</i>	<i>Participated in 2nd Elite Men's National Boxing Championship from 23/10/2017 to 30/10/2017.</i>	<i>Participated</i>
<i>04</i>	<i>Participated in the 61 Senior National Boxing Championship 2018 conducted from 13/11/2018 to 17/11/2018 at Allahabad.</i>	<i>Gold</i>

4. It is the case of the applicant that vide Annexure A-7 certificate dated 18.01.2019, boxing federation of India has issued certificate to the applicant regarding his participation in the 2nd Elite Men's National Boxing Championship held at Visakhapatnam. However on 21.02.2019, with regard to the rank confirmation of direct enrolment meritorious sports person a communication was

made to say that the applicant does not meet QR requirement for confirmation in the rank of Nb/Sub as he will be completing 03 years probation period on 28.02.2019, the Competent Authority was directed to take action in accordance with the provisions of the policy quoted in the letter dated 21.02.2019 (Annexure A-8). Based on the same a show cause notice was issued to the applicant vide Annexure A-9 on 04.03.2019 indicating to him that during the period of probation, he did not fulfil the QR conditions to be retained in service as indicated in the appointment order and therefore he was directed to show cause as to why his services should not be terminated in accordance to the provisions of Army Rule 1954 Clause 13 (3) (I) (ii) (b).

5. The applicant replied to the show cause notice vide Annexure A-10 on 06.03.2019 and argued that he has already performed in the National Championship and Olympics and therefore he should be retained in service. However, the applicant was not retained in service and he has been discharged on the ground that he did not fulfil the QR criteria. The applicant thereafter gave details of his achievement in the various tournaments locally held in the services and argued that he is an outstanding sports person having won medals in the national championship and without evaluating his merits properly as he has been discharged from service. The same is

unsustainable in law and interference is sought for on the aforesaid ground.

6. Respondent have filed a detailed counter affidavit and argued that while recruiting, the applicant in the subject category of an outstanding sports person in relaxation of the normal rule of appointment was granted appointment as a Nb/Sub in the Army. The two conditions stipulated in his order of appointment Annexure A-1 dated 24.01.2024 clearly stipulates the conditions for confirmation subject to completion of the period of probation and they rely upon Para 10 of the conditions stipulated in Annexure A-1 dated 24.01.2007 which reads as under;-

“10. Probation Period and Condition of Discharge. Directly enrolled meritorious sportsmen in the rank of Nb Sub will be on probation for a period of three years. The performance of the individual will be closely monitored by Regt/Corps Centres/ ASCB. The minimum QR that must be fulfilled by a directly enrolled Nb Sub sportsmen for retention in service is :-

(a) Should have represented the Services Team at least twice in three years in National Championships in team events.

(b) Should have represented the Services team in National Championships at least twice in three years in individual events or should have won any medal at least once in National Championship in three years.”

and submitted that applicant did not fulfil the aforesaid conditions and therefore the impugned action was taken in accordance with law based on the material available on record. Respondents have also produced the approval of the General Officer Commanding-in-Chief, South Western Command communication (Annexure A-3)

indicating the reasons for his non confirmation and discharge and

Para 3 of the said communication reads as under:-

“3. On consideration of the case in its entirety, it is found that JC-405483A Naib Subedar Rakesh of 17 GUARDS was directly enrolled in the rank of ‘Naib Subedar’ under Meritorious Sportsmen quota on 28 Feb 2016 in terms of DGMT, GS IHQ of MoD (Army) letter No A/5505/Dir Nb Sub/GS/MT dt 24 Jan 2007. As per the policy under reference, the minimum qualitative requirement to be fulfilled by directly enrolled Naib Subedar for retention in service is that he should have represented services team at least twice in three years in National Championship in individual/ team events or should have won any medal at least once in National Championship in three years. On failure to represent the services or no change in qualification parameters, the individual will be liable to be discharged from the service on completion of probation period of three years. It is found from the records that the JCO had completed his probation period on 28 Feb 2019 and during the said period though he participated twice in Inter Services Boxing Championship in the year 2016 and 2017, he did not win the gold medal as he lost in the finals and only won silver medals. The pre-requisite for participating in National Championship is winning a gold medal in Inter Services Boxing Championship. Thus, the JCO despite being provided with opportunity, failed to meet the laid down qualitative requirement within stipulated period as per existing policy.”

7. Accordingly, it is the case of the respondents that as the applicant did not fulfil the requisite conditions, action has been taken against him and as the same in accordance with law, no interference is called for. While hearing the matter on 14.05.2025, this tribunal directed the respondents to produce the policy formulated by Army Sports Control Board wherein the policy for recognition and approval of National Championship conduct by appropriate sports board is indicated. The order passed on 14.05.2025 by this Tribunal in Para 2 and 3 reads as under:-

“2. For taking a decision in the matter, we direct the respondents to produce before us the policy formulated by the Army Sports Control Board (ASCB) wherein the national championship conducted by the appropriate

sports body is recognised for the purpose and the respondents should also indicate as to on what basis they say that only such national events would be recognised for the purpose of evaluating the QR criteria, if it is approved and held by the Sports Authority of India (SAI). The said policy laid down by the ASCB should be produced along with relevant documents, if required, and an officer authorised by the said Board should also remain present on the next date to assist us at the time of hearing.

3. That apart, Para 11 of the policy produced before us indicates that if the QR criteria have not been followed at the first instance, the 3rd and 4th increments of the applicant has to be stopped and then only the action for discharge is to be taken. There is nothing on record to indicate that before discharging the applicant whether any step as indicated in Para 11 of the policy (Annexure-D) has been followed or not. This should also be clarified by the respondents."

On 13.08.2025 in pursuance to the aforesaid orders passed Lt Col Kripakar M, Joint Secretary in the Army Sports Control Board appeared before this Tribunal and orally explained and tried to satisfy this Tribunal with regard to the queries raised on 14.05.2025. The same was taken note of by us and we directed the officer concerned through competent officer to submit an additional affidavit within two weeks'. Accordingly, the additional affidavit has been submitted by the respondents on 01.09.2025, the affidavit is sworn by Lt Col Kripakar M, Joint Secretary in the Army Sports Control Board and he has indicated the facts, which goes to show that within a period of three years while on probation the meritorious sportsmen appointed in the special quota, has to fulfil the two conditions as are already detailed in the preceding paragraphs i.e., the individual should have represented service team in the National Championship at least twice in three years, in

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individual event or should have won any medal at least once in the National Championship during the three year period.

8. That apart, the individual should also represent the service team in the national championship at least twice both in a team event and individual event. It is the case of the respondents that the total achievement of the applicant since his enrolment during the period of probation was his participation in the 66th Inter Services Boxing Championship in the year 2016 where he won a silver medal but in this he was not selected to represent the service team, he participated in his individual capacity which did not fulfil the confirmation of probation criteria. Again he participated in 67th Inter Services Championship 2017 won a silver medal but was not a member of the service team, instead participated in his individual capacity and did not fulfil the requisite criteria. As far as participating in the 61st senior men national boxing championship is concerned, it is the case of the respondents that the applicant was not selected for the services team. He did not represent the services team, but he participated as a member of the State team of Tripura. He was given an NOC to participate as a member of the State team as he was not selected to participate in the service team.

9. That apart it is the case of the respondents that this championship was not recognised as a national sports events by the

National Sports Federation or by the Ministry of Youth Affairs and Sports. Similarly, with regard to the participation in the 61st Senior Men National Boxing Championship held in 2018 at Prayagraj, it is the case of the respondents that in this event, the applicant participated as the member of the Assam Team (state team), he was not selected in the services team, therefore, after obtaining NOC, he was permitted to participate as a member of the Assam Team. This championship was also not recognised by the National Sports Federation or by the Ministry of Youth Affairs and Sports.

10. According to the respondents, Ministry of Youth Affairs and Sports, Government of India vide communication dated 28.10.2016 annexed as Annexure (C) to the affidavit and the Directorate of PT & Sports, Army Sports Control Board communication 30.07.2015 made to the Boxing Federation of India vide Annexure-D and the communication of the Boxing Federation of India Annexure-E dated 13.07.2025 clearly indicates that the so called participation of the applicant in the national event is not pertaining to his representing the service team event or in the National Championship as required under clause 10 of the terms and conditions of appointment and on a query made vide Annexure-D dated 30.06.2025 by the Ministry of Defence (Army) to the Boxing Federation of India with regard to the status of the 2nd Senior Men

National Boxing Championship held at Vishakapatnam in the year 2017 and the 61st Senior Men National Boxing Championship held at Prayagraj in 2018, the reply received by the Boxing Federation vide Annexure-E on 30.07.2025 reads as under:-

- 1. Mr. Rakesh participated in the 2nd Senior Men's National Boxing Championship held in Vishakapatnam in 2017, representing the Tripura team. Boxing Federation of India conducted the 2nd Senior Men National Boxing Championship from 24th October 2017 at Vishakapatnam, Andhra Pradesh.*
- 2. The 61st Senior Men's National Boxing Championship was not an authorized championship and conducted by the Indian Amateur Boxing Federation (IABF), which was not recognised by the Ministry of Youth Affairs and Sports (MYAS) or the Indian Olympic Association (IOA) at the time.*
- 3. Please find attached the official recognition granted by MYAS to the Boxing Federation of India."*

11. Based on the aforesaid, the respondent submit that as the applicant did not fulfil the requisite criteria laid down in the policy for appointment in the subject category of the sports person, and as he did not fulfil the terms and conditions required during the period of probation the impugned action taken by the respondent is in accordance with law and therefore no interference into the matter is called for.

12. We have heard learned counsel for the parties and we find that the applicant was recruited in the direct enrolment on meritorious sportsmen in the Indian Army to the rank of Nb/Sub without following the normal rule for appointment of a personnel on commission, was given subject to the condition stipulated vide

Annexure A-3 dated 29.01.2016, along with the applicant two other outstanding sportsmen were also appointed. Para 3 of the order of appointment clearly stipulates that the performance of the individual during the three years of probation would be closely monitored and the minimum QR to be fulfilled by a directly enrolled Nb/Sub sportsmen is indicated therein, i.e., he should have represented the services team at least once in three years in a national championship in a team event and similarly, should have represented the services team in a national championship at least twice in three years in a individual event and should have won at least any medal once in the championship. It was further stipulated that if this condition is not fulfilled the service of the sportsperson can be terminated during the period of probation.

13. Even though the applicant claims that he have participated in the sports events as detailed herein above and emphasised that he has participated in two national events i.e., 2nd Senior Men National Boxing Championship held at Vishakhapattanam in the year 2017 and 61st Senior Men National Championship held at Prayagraj in the year 2018 and won medal there, the material available on record based on the stipulations made by the Boxing Federation of India and the Government of India, Ministry of Youth Affairs and Sports indicates that the 2nd Senior Men National Boxing Championship

held in Vishakhapattanam the applicant did not participate as member of the service team. On the contrary, he was not selected on his merit for the services team but he was granted NOC to participate in the event as a member of the State of Tripura, and he participated in event representing the State of Tripura. Similarly, in the 61st Senior Men National Boxing Championship the championship was not authorised or conducted with approval from the Ministry of Youth Affairs and Sports or the Indian Olympic Council or the Indian Amateur Boxing Federation. It was conducted by an unauthorised body and in this also the applicant did not participate as a member of the service team. He participated in the said championship as a member of the Assam Team after obtaining NOC from the Indian Army, as he was not selected for participating in the said championship as a member of the service team.

14. Accordingly, from the material available on record particularly the additional affidavit submitted on 01.09.2025 by Lt Col Kripakar M, Joint Secretary, Army Sport Control Board and the material available on record as discussed herein above, it is crystal clear that the applicant did not fulfil the QR criteria laid down in the policy and offer of appointment Annexure A-3 dated 29.01.2016, Para 3 as reproduced herein above and the said conditions stipulated in the appointment order is nothing but the conditions stipulated for

appointment in the policy laid down by the Integrated Headquarters of MoD (Army) in their communication dated 24.01.2007, Annexure A-1 to the counter affidavit of the respondents and said conditions is stipulated in Para 10 of the said policy.

15. Accordingly it is a case where the services of the applicant have been terminated in terms and conditions of his appointment, while he was on probation and apparently, it is evident from the record as discussed herein above that the applicant did not fulfil the QRs laid down for appointment within the period of probation i.e., three years. The respondents have discharged the applicant in consonance with the terms and conditions of appointment and the policy under which the applicant was granted special concession and recruited under a sportsmen quota, as the applicant did not perform in the manner as stipulated for being confirmed in the post during the period of probation. The respondents have taken action in the matter strictly in accordance with the policy and as the action of the respondents demonstrate that it is in accordance of the policy there is no arbitrariness violation of any rules regulations or policy, accordingly, no case is made out for interference. Accordingly upholding action of the respondents, we find no ground for the interference into the matter and the application stands dismissed.

16. No order as to costs.

17. Pending miscellaneous application(s), if any, stand closed.

Pronounced in open Court on this ^M29 day of October 2025.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[REAR ADMIRAL DHIREN VIG]
MEMBER (A)

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