

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

45.

OA 128/2025 with MA 1959/2025 & 287/2025

Maj Sachin Singh Applicant

Versus

Union of India & Ors. Respondents

For Applicant : Mr. Anand Kumar, 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

23.05.2025

The applicant has invoked the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007, challenging the validity of the order dated 15.03.2024 (Annexure A1), passed by the Competent Authority. By the said order, a 'Severe Displeasure' has been awarded to the applicant on account of certain alleged acts of commission and omission in exercise of the powers vested in the competent authority. The applicant has assailed the impugned order on various legal and factual grounds. It is noted that the said order has been passed in accordance with the policy dated 11.08.2017, which prescribes the duration and operative effect of such censure orders. Subsequently, the said policy has been reviewed and superseded by a new policy dated 22.04.2024. The scope, applicability, and effect of the revised policy were examined by a Coordinate Bench of this Tribunal in the case of Lt Col Sandeep Mishra Vs. Union of

Ors. wherein the following decision was rendered:

“11 We, therefore, partially allow both the OAs and direct the following:

- (a) The validity of the censure dated 14.06.2022 awarded to both the applicants here be limited to the date of this order, (i.e.,) 27.09.2024.*
- (b) Necessary endorsement be accordingly made in the dossier of the applicants and other records at various HQs.*
- (c) Since these censures have already been considered by the No. 3 Selection Board in the case of both the applicants, it will be no longer operative for further promotion Boards, as given in the new policy dated 30.10.2023.*
- (d) Respondents are directed to review the Joint Armed Forces Order 01/2023 on Censure Policy and the Service specific instructions subsequently issued by the respective Service HQ, and issue necessary amendments to the effect that the validity of all operative censures issued under the old policy will be regulated as per the validity parameters laid down in the new policy dated 30.10.2023, from the date of its issue and necessary endorsement made in the concerned records.”*

From the aforesaid, it is clear that even in cases where punishments such as Severe Reprimand or Reproof have been imposed, the policy dated 11.08.2017 from the date it came into effect would govern the period during which such punishments remain operative.

On 09.05.2025, the respondents were directed to show cause as to why, in light of the policy dated 22.04.2024 and the judgment rendered by a Coordinate Bench of this Tribunal in Lt Col Sandeep Mishra Vs. Union of India and Ors WITH Lt Col Sumit Acharya Vs. Union of India and Ors. (supra), the present application should not be allowed and disposed of accordingly. In response, the respondents have raised an objection contending that the revised policy dated 22.04.2024 is not applicable to cases governed by the earlier policy dated 11.08.2017 and therefore the applicant is not entitled to relief.

In our considered view this objection is untenable. The same contention was examined and rejected by this Tribunal in Lt Col Sandeep Mishra Vs. Union of India and Ors WITH Lt Col Sumit Acharya Vs. Union of India and Ors. (supra), where the issue was addressed and decided in the following terms:

“8. The applicants here have been awarded the censure of ‘Severe Displeasure’ of the GOC-in-C Command on 14.06.2022 as per the old Censure policy dated 11.08.2017. As per this old policy dated 11.08.2017, the validity of a censure by the GOC-in-C Command is operative for 10 years from the date of award. As per the new common ensure policy issued vide Joint Armed Forces Order 01/2023, a censure of ‘Severe Displeasure’ awarded by the GOC-in-C Command is to be operative for the period as specified by awarding authority up to a maximum of Three years from the date of award. Also, during the operative period, if a Censure has been considered once as a part of a Selection Promotion Board, it will cease to be operative thereafter. However, the new policy states ‘However, censures awarded earlier will be

operative for the period as per original award and the provisions of the instant policy will come into effect from the date of issue of the Censure Policy by MoD/DMA'. Both the applicants have since been considered by No 3 SB and promoted to the rank of Col and are presently commanding their respective units.

9. This would imply that if both these applicants (Censure in Jun 2022) are being considered for a foreign assignment/important appointment in 2028 along with their batch mates, one of whom has been awarded a similar censure by a GOC-in-C as per the new policy in Dec 2023, the censure of the applicants would still be operative as they would have only completed 06 years from the date of award, while the censure awarded to their batch mate in Dec 2023 will no longer be operative since the maximum period of validity of a censure by the GOC-in-C is only three years. This, in our view is a travesty of injustice as the applicants and their batch mates are unequal in their disciplinary status, merely because of the direction that past cases will be governed by the old policy. In our considered view it is, therefore, imperative that the validity of all the past cases which are operative as on the date of issue of the new policy, that is 30.10.2023 must be regulated as per the revised validity criteria and necessary endorsements made in the record of the concerned officers by the authority which awarded the censure under the old policy.

In view of the above, this application is allowed and stands disposed of in terms of the order passed by this Tribunal in Lt Col Sandeep Mishra Vs. Union of India and Ors WITH Lt Col Sumit Acharya Vs. Union of India and Ors. (supra). The applicant shall be entitled to all consequential benefits flowing from the said decision. In the event the

impugned order of Severe Reprimand (Censure) has outlived its operative effect in accordance with the policy dated 22.04.2024, it shall not be taken into consideration in the forthcoming process for grant of Permanent Commission to the applicant.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

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

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