

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

OA 1862/2023

Ex HA (U/T) Aman Tomar & Ors. Applicant
Versus
Union of India & Ors. Respondents

WITH

OA 2426/2023, OA 2736/2023, OA 3406/2023,
OA 3407/2023, OA 3418/2023 AND
OA 1815/2023

For Applicant : Mr. Ved Prakash, Advocate
For Respondents : Gp Capt Karan Singh Bhati, Sr. CGSC
Cdr Ramkrishna Mahato,
Training Commander, INS Vishwakarma
Cdr Shantanu Kumar Srivastava,
Deputy Judge Advocate, DNL
Mr. Anil Gautam, Sr. CGSC
Mr. Prabodh Kumar, Sr. CGSC
Mr. KK Tyagi, Sr. CGSC
Mr. Satya Ranjan Swain, Advocate
Mr. Arvind Kumar, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE LT GEN C.P. MOHANTY, MEMBER (A)

ORDER

These applications have been filed under Section 14 of the Armed Forces Tribunal Act, 2007, by the applicants who are challenging the illegal and arbitrary action of the respondents whereby the applicants were discharged from service locally on academic grounds and the common prayers made by the applicants read as under:

(a) Direct the respondents to place on record answer sheets of all examination and re-examination of the applicants from A to E term along with attendance sheets.

(b) Quash the Impugned Order.

(c) Direct respondents to re-instate the applicants with all consequential benefits.

(d) Direct the respondents to change the branch of the applicant.

(e) Any other relief which the Hon'ble Tribunal may deem fit and proper in the fact and circumstances of the case along with cost of the application in favour of the applicants and against the respondents.

Brief Facts of the Cases

2. This batch of OAs involved seven applicants – namely HA/APP Aman Tomar (508461-W), HA/APP Sachin Kumar (507932-T), Ex HA/APP Shital Kumar (507669-W), Ex HA/APP Than Singh (507934-Y), HA/APP Gokul Chaudhary (508197-W), HA/APP Vineet Chaudhary (508203-H) and HA/APP Sachin Kumar (508192-H). As per the records submitted by the respondents, all the applicants were enrolled in the Indian Navy under Artificer Apprentice Scheme.

3. It is an admitted fact that during the Hull Artificer Apprentice Course (HA/APP) at INS Vishwakarma, all the applicants were found 'unsuitable' on academic grounds, post

which applicants were issued Show Cause Notices. On receipt of the reply from the all the seven applicants, they were discharged from service.

OA 1862/2023 – HA/APP Aman Tomar (508461-W)

4. It is a further admitted fact that the applicant in the instant OA failed to qualify in two subjects in his 'A' Term, namely, Marine Engineering and Engineering Drawing, for which he was awarded 'Relegation', and since, there was no recruitment in succeeding course, he was permitted to continue training with his original batch with six months loss of seniority. He later qualified the re-examination.

5. In his 'B' Term, the applicant had cleared all the subjects. However, in 'C' Term, the applicant again failed in three subjects – Ship Drawing, Engineering Drawing and Practical Ship Construction, whereinafter he was re-assessed but again failed to qualify in the subjects and, thus, awarded second relegation with six months loss of seniority.

6. In 'D' term, the applicant again failed in two subjects – Hull Maintenance and Practical Ship Construction, which he later cleared in his re-examination, though awarded with 0.5 months loss of seniority. In view of two relegations being awarded on academic grounds, the applicant was issued with

Show Cause Notice dated 19.07.2022 directing him to show cause as to why he should not be withdrawn from training and discharged from Naval service, for which applicant has submitted a reply dated 26.07.2022, following which the applicant was locally discharged on 20.09.2022 on academic grounds.

OA 1815/2023 – HA/APP Sachin Kumar (507932-T)

7. It is a common ground that the applicant in the instant OA failed to qualify in four subjects in his 'A' Term namely – Mechanics, Marine Engineering, Engineering Drawing and Practical Examination), for which he was awarded 'Relegation', and since, there was no recruitment in succeeding course, he was permitted to continue training with his original batch with six months loss of seniority. He later qualified the re-examination.

8. In his 'B' Term, applicant failed to qualify in one subject – Mechanics, wherein after he was re-assessed in re-examination and qualified, but awarded 0.25 months loss of seniority for his failure. In 'C' Term, applicant again failed in two subjects – Theoretical Naval Architecture and Ship Building Material, whereinafter he was re-assessed but again failed to qualify in

the subject of Ship Building Material, and thus, awarded second relegation with six months loss of seniority.

9. In 'D' term, applicant again failed in two subjects - Ship Building Material and Practical Ship Construction, which he later cleared in his re-examination, though awarded with 0.5 months loss of seniority. In view of two relegations being awarded on academic grounds, the applicant was issued with Show Cause Notice dated 19.07.2022 directing him to show cause as to why he should not be withdrawn from training and discharged from Naval service, for which applicant has submitted a reply dated 26.07.2022, following which the applicant was locally discharged on 20.09.2022 on academic grounds.

OA 3407/2023 – Ex HA/APP Shital Kumar (507669-W)

10. Similar to the applicant in OA 1862/2023, the applicant in the instant OA has appeared in examinations of four terms, out of which in his 'A' term, he failed in two subjects, and cleared only one of the two in his re-examination, thereby leading to award of 'Relegation' with six months loss of seniority. In his 'B' term, he again failed in two subjects, which he cleared in re-examination, thus, awarded 0.5 months loss of seniority. Subsequently, in his 'C' term, he failed in three

subjects, hence, relegated second time, and in his 'D' term, again failed in three subjects, post which Show Cause Notice was issued. On receipt of reply, the applicant was locally discharged from service on 20.09.2022.

OA 3406/2023 – Ex HA/APP Than Singh (507934-Y)

11. The factual matrix of the applicant in this case is no different, as he failed in three subjects in 'A' term, thereby, awarded 'Relegation' with six months loss of seniority, then, again failed in two subjects in his 'B' term out of which cleared one subject in re-examination, hence, again relegated. While in 'C' term, he passed all subjects, he again failed to clear two subjects in his 'D' term, which he cleared in his re-examination, but was awarded 0.5 months loss of seniority. Subsequently, awarded with relegation twice, he was issued with Show Cause Notice, after receipt of reply of which, he was locally discharged from service.

OA 2736/2023 – Ex HA/APP Gokul Chaudhary (508197-W)

12. As per the records submitted by the respondents the applicant was enrolled in the Indian Navy under the Artificer Apprentice scheme on 17.02.2020, whereinafter in his training, applicant failed to qualify in three subjects in his 'A' term namely - Mechanics, Engineering Drawing and

Practical Examination, for which he was awarded 'Relegation' and since there was no recruitment in succeeding course, he was permitted to continue training with his original batch with six months loss of seniority. He later qualified the re-examination.

13. In his 'B' term, applicant failed to qualify in two subjects- Mechanics and Workshop Practice wherein after he was re-assessed in re-examination and qualified but awarded 0.5 months loss of seniority for his failure. Subsequently, in his 'C' term applicant again failed in two subjects - Theoretical Naval Architecture and Seamanship, wherein after he was re-assessed but again failed to qualify in the subject of Theoretical Naval Architecture and thus awarded second relegation with six months loss of seniority.

14. In 'D' term, applicant again failed in three subjects - Practical Ship Construction, Ship Building Materials and Hull Maintenance for which he was awarded relegation and since there was no recruitment in succeeding course, he was permitted to continue training with his original batch with six months loss of seniority. He later qualified the re-examination. However, in view of the three relegations being awarded on academic grounds, the applicant was issued with Show Cause

notice dated 19.07.2022 directing him to show cause as to why he should not be withdrawn from training and discharged from Naval Service, for which applicant has submitted a reply dated 26.07.2022 following which the applicant was locally discharged on 20.09.2022 on academic grounds.

OA 3418/2023 – HA/APP Vineet Chaudhary (508203-H)

15. Similar to factual matrix in aforesaid cases, the applicant in the instant case was enrolled in the Indian Navy under Artificer Apprentice Scheme on 17.02.2020, wherein in his training period, he failed to qualify in two subjects in his 'A Term' - namely Practical Examination and Engineering Drawing. The applicant was re-assessed in re-examination wherein he again failed to qualify in one subject- Engineering Drawing for which he was awarded 'Relegation' and since, there was no recruitment in succeeding course, he was permitted to continue training with his original batch with six months loss of seniority. He later qualified in second re-examination, but by then he has already been awarded first relegation.

16. In his 'B Term', the applicant failed to qualify in one subject-Mechanics, wherein after he was re-assessed in re-examination wherein he qualified, but awarded 0.25 months

loss of seniority for his failure. Similarly, in 'C' Term he again failed in two subjects- Theoretical Naval Architecture and Ship Building Material, whereinafter he was re-assessed but again failed to qualify in the subject of Ship Building Material, and thus, awarded second relegation with six months loss of seniority and was liable for discharge.

17. In 'D' Term, the applicant again failed in one subject- Practical Ship Construction, which he later cleared in his re-examination, though with an award of 0.25 months loss of seniority, and thus, in view of two relegations being awarded on academic grounds, the applicant was issued with Show Cause Notice dated 19.07.2022 directing him to show cause as to why he should not be withdrawn from training and discharged from Naval service, for which applicant has submitted a reply dated 26.07.2022, following which the applicant was locally discharged on 20.09.2022 on academic grounds.

OA 2426/2023 - Ex HA/APP (U/T) Sachin Kumar (508192-H)

18. Identical to the applicants in connected matters, the applicant in the instant case was enrolled in the Indian Navy under the Artificer Apprentice Scheme on 17.02.2020, wherein during his training failed to qualify in three subjects in 'A' Term namely - Mechanics, Engineering Drawing and Marine

Engineering, for which he was awarded 'Relegation' and since there was no recruitment in the succeeding course, he was permitted to continue training with his original batch with six months loss of seniority. Later, he qualified the subjects in re-examination, but by then he has been awarded his first relegation.

19. In his 'B' term, the applicant failed to qualify in one subject- Mechanics, wherein he was reassessed in re-examination and qualified, but awarded 0.25 months loss of seniority for his failure. In 'C' Term, the applicant again failed in four subjects- Theoretical Naval Architecture, Ship Building Material, Seamanship and Engineering Drawing. This being his second relegation, he was awarded six months loss of seniority.

20. In 'D' term, the applicant again failed in two subjects- Ship Building Material and Practical Ship Construction, which he later cleared in his re-examination, though awarded with 0.5 months loss of seniority. Thus, in view of two relegations being awarded on academic ground, the applicant was issued Show Cause Notice dated 19.07.2022 directing him to show cause why he should not be withdrawn from training and discharged from Naval Service, for which applicant has submitted a reply

dated 26.07.2022 following which he was locally discharged on 20.09.2022 on academic grounds.

Submissions on Behalf of the Applicants

21. It is the case of the applicant and similar for all other applicants as well as in the connected OAs that the applicant was enrolled after clearing the written test and have completed his basic training successfully, and has also cleared Viva for promotion and the physical entrance test, and has failed in few exams only, which he has cleared in re-examination.

22. It is the contention of the applicant that he was about to pass-out from training on 18.08.2022, but to the utter surprise he was given a Show Cause Notice dated 19.07.2022, and that he has never been relegated in any term but in show cause notice it is mentioned that the he was relegated twice and hence, the Show Cause Notice is not tenable in eyes of law.

23. It is submitted by the applicant that the classes of trainees were affected badly by the Covid-19 and he being a boy of 19-20 years, this situation has badly affected him, physically and mentally, and that he was not sent on leave for almost a year which has further worsened the situation leading to his inability to clear few exams.

24. Submitting four names of the individuals namely – B'nupendra Singh, N.K. Payal, Nikesh and Devesh Rajpoot, it is the argument of the applicant that the aforesaid trainees also failed in the exams similar to the applicant, but were not discharged from service.

Submissions on Behalf of the Respondents

25. Per contra, it is the case of the respondents that the Artificer Apprentice Course is an ab-initio course and is conducted at two training establishments – Naval Orientation Course at INS Chilka (as per Navy Order 34/15, also known as New Entry Course) and Hull Artificer Apprentice Course at INS Vishwakarma, and as per Regulation 271 of the Regulations Navy Part-III all service rendered as a boy or artificer apprentice is on probation.

26. It is contended by the respondents that the applicant was on probation during the entire period of his service as an Apprentice, and is subject to discharge from naval service on academic ground as unsuitable by the Commanding Officer in which he is borne at any time during the probation period in accordance with the provision of Regulation 278(4) of Regulations Navy Part-III.

27. Relying on the factual matrix detailed in above paragraphs, it is submitted by the respondents that the applicant was found 'unsuitable' on the academic grounds, whereinafter a Board of Officers was constituted for re-evaluation of the Board Proceedings, on recommendation of which the applicant was issued Show Cause Notice.

28. It is argued by the respondents that the reply to the Show Cause Notice was analysed and only then, the applicant was discharged from service in accordance with Navy Order 34/15 and Regulation 278(4) of Regulations Navy Part-III.

Consideration

29. Noting that the applicants in the aforesaid connected OAs are aggrieved by their dismissal, with an identical prayer for re-instatement in service, coupled with common grounds raised in all the connected OAs, we find it prudent to address the issue involved treating OA 1862/2023, Ex HA (U/T) Aman Tomar as a 'Lead Case' for the purpose of adjudication.

30. Before adjudication, we find it pertinent to note that the rival parties have placed reliance on several judgements of this Tribunal including in the case of Ex EAA/APP Saunoo & Ors. Vs. Union of India & Ors. [OA 2492/2021; AFT (PB); Date of decision: 28.08.2023] and EA (P) SS/APP Rameshwar Singh Vs.

Union of India & Ors. [OA 259/2020; AFT (RB), Lucknow; Date of decision: 24.05.2022], as upheld by the Hon'ble Supreme Court in the case of EA (P) SS/APP Rameshwar Singh Vs. Union of India & Ors. [Civil Appeal No(s).8116/2022 {Dy No.29582/2022}] and the judgement of the Hon'ble Delhi High Court in the case of Ex Recruit Manoj Deswal Vs. Union of India & Ors. [142 (2007) DLT 791].

31. On a perusal of records and the analysis of facts of the instant case as discussed in above Para(s), we find that the factual circumstances are identical to the factual matrix as detailed in the judgement of Ex EAA/APP Saunoo & Ors. (supra) except for the fact that applicants in Ex EAA/APP Saunoo & Ors. (supra) pertained to Merged Entry Artificer Training (MEAT) course, whereas in the instant case, it was Hull Artificer Apprentice (HA/APP) course, while the period of this course is same as 119 weeks divided into five terms.

32. In the nutshell, we note that the applicant was declared 'unsuitable' on academic grounds, and discharged in line with Navy Order 34/15 and Regulation 378(4) of Regulations Navy Part-III for which we find it essential to refer to the evaluation by the Board of Officers (BOO), which is reproduced herein as under:

**“BOARD PROCEEDINGS FOR THE RE-EVALUATION OF THE
RESULT OF UNDER TRAINEE WHO HAVE BEEN RELEGATED
TWICE DURING HA/APP COURSE :**

(A- 147 COURSE NO 020:1021)

1. In pursuance of Commanding Officer's Ty Memo 43/2022 dated 23 Jun 22, Board of Officers was constituted to evaluate the results of trainees of A-147 course to be withdrawn from service on academic grounds. The Board consisting of following officers assembled at INS Vishwakarma on 24 Jun 22 and on subsequent occasions thereafter as required;-

Ser	Rank & Name	P.No	Remarks
(a)	Cdr Bhooshan Malpe	42952-T	President
(b)	Lt Cdr Sushil Kumar	86387-H	Member
(c)	Lt Cdr PFRS Reddy	43855-W	Member
(d)	Devesh Kumar, MCHA II	194810-A	Member

2. Terms of Reference. The Board was guided by the following terms of references as promulgated vide Commanding Officer's Ty Memo 43/2022 dated 23 Jun 22:

- (a) Examination of each question/ answer along with the marks given by the evaluator/ instructor
- (b) Comparison of answers sheets to ascertain evaluation is fair and consistent.
- (c) Recommended any changes in the result in case of any observation.

3. Introduction. Hull Artificer Apprentices (HA/PP) A-147 Course No.020:1021 have reported to the unit on 01 Jul 2020, This 119 weeks course is divided into five terms VI 'A, B'; 'C', 'D' and 'E' with durations varying from 13 weeks to 27 weeks including afloat attachments. The training pattern of Artificer apprentice is very systematic with increasing academic rigour from A to E terms. During the course, it was observed that the performance of the following seven HA/APPs has been below par, despite focused attention by the instructors and divisional staff and the analysis of academic performance of the trainees is placed at Enclosures as mentioned against each serial-

Ser	Name	Rank	P No	Analysis of Academic Performance
(a)	Sachin Kumar	HA/APP	507932-T	Encl 1

(b)	Aman Tomar	HA/APP	508461-W	Encl 2
(c)	Shital Kumar	HA/APP	507669-W	Encl 3
(d)	Vineet Chaudhary	HA/APP	508203-W	Encl 4
(e)	Than Singh	HA/APP	507934-Y	Encl 5
(f)	Sachin Kumar	HA/APP	508192-H	Encl 6
(g)	Gokul Choudhary	HA/APP	508197-W	Encl

4. Results and Answer Sheets. The results and answer sheets of the above mentioned HAN APPs were sought by the Baard from Senior Education Officer (SEDO) vide SMS 051/25 dated 24 Jun 22 for scrutiny and analysis. The consolidated results (Encl 8) and answer sheets forwarded by SEDO vide SMS 851/52 dated 27 Jun22 were scrutinized as per terms of reference mentioned at para 2 above. It is pertinent to mentioned that ia.w. Para 7(a) of NO 34/ 15, for computation of seniority only 50% aggregate marks have been considered on passing any subject in re-examination,
5. Scrutiny of Answer Sheets. Answer sheets of the HA/APPs have been scrutinized and in this regard following salient points were attention:-
- (a) The trainees report to answering questions with unintelligible narration mixed with keywords related to the topic. This brings out their poor understanding of the subjects even during re-exam
- (b) All above mentioned HA/APPs continue to misspell most of the important terminology related to the topics oven during re-exams. This indicates lack of interest in learning.
- (c) The trainees tend to write irrelevant answers vis-a-vis the questions asked. The objective seems to be only to fill the answer sheets.
- (d) It is pertinent to mention that, in none of the answer sheets it was possible to increase or give additional marks to the trainees as it is apparent from above observations.
- (e) Over all the making has been fair and consistent and no changes in the present marks allotted to all the above mentioned HA APPs is recommended.

6. Recommendation. The BoO have scrutinized the answer sheets and results received from TDEC vide their SMS mentioned at para 4 above. It is recommended that further action, may be undertaken i.a.w. No 34/15 (relevant extracts placed at Encl 9) and REGS Navy Part III 27814) (relevant extracts placed at Encl 10) for the HA/APPs mentioned at para 3 above.

(Devesh Kumar)
MC HA II
194810-A
Member

(PPRS Reddy)
Lt Cdr
43855-W
Member

(Sushil Kumar)
Lt Cdr
86387-H
Member

(Bhooshan Malpe)
Commander
42952-T
President"

33. From the evaluation report of the Board of Officers (BoO), it is evident that the results of all the seven applicants were duly considered and deliberated upon by the Board at length. The analysis of the answer sheets, as provided in Para 5 of the said report, was undertaken, and only thereafter was the decision to initiate appropriate action for discharge set in motion.

34. It is not in dispute that the applicant was found to be 'unsuitable' on academic grounds after a comprehensive evaluation. Thereafter, in consonance with the principles of natural justice and procedural propriety, a Board of Officers was constituted to re-evaluate the Board Proceedings. The respondents have placed on record that such re-evaluation was carried out in a fair and transparent manner, culminating in the issuance of a Show Cause Notice to the applicant.

35. The issuance of the Show Cause Notice constituted a procedural safeguard, affording the applicant an opportunity to be heard and to present his case in response to the adverse findings. Such adherence to due process is sacrosanct and forms the bedrock of administrative as well as quasi-judicial decision-making.

36. It is trite law that academic suitability constitutes a legitimate and material criterion for continuation in an academic or training programme, particularly where such suitability has a direct bearing on the standards and objectives of the institution concerned. The respondents have also placed sufficient material on record to substantiate both the initial finding of unsuitability and the procedural steps taken thereafter.

37. At this stage, we consider it apposite to refer to the judgment of this Tribunal in the case of *Ex EAA/APP Saunoo & Ors.* (supra), wherein the following observations were made:

“17. After considering the matter, the focal question that emerged to be considered is whether the applicants are entitled to be reinstated in service, and whether they should be allowed to continue their training by Remustering them in an alternative or non-technical trade?”

18. Before proceeding, further, it becomes pertinent to mention regulation 278 (4) of Regs Navy Part III states that, any boy, Artificer Apprentice or man, during probationary service, shall be liable to be discharged as 'Unsuitable' under orders of the authorities herein stated, if his progress or conduct is unsatisfactory:-

(a) *Boys at the Naval Training Establishments- by the Captain of the Training Establishment. In the case of Boys afloat, by the Captain Naval Barracks on the recommendation of the Captain of the ship in which the boy is borne.*

(b) *Artificer Apprentices by the Captain of the Training Establishment concerned, unless he can be absorbed in any other branch.*

(c) *Direct Entry Sailors By the Captain of the Training Establishment concerned during the period of training and thereafter by the Captain Naval Barracks.*

19. *It is also pertinent to refer Para 7 of Provision of Navy Order 34/15, following points being relevant are reproduced as under:-*

(aa) *Trainee will be given second chance (reappear to clear the exams) after two weeks of additional training if failed up to two subjects in a term.*

(ab) *If trainee fails in three or more subjects in a term he is liable for relegation as first warning and will be conjoined with the subsequent/ following course.*

(ac) *Second relegation on academic grounds during the training he is liable for withdrawal from course or discharge from service under Regulation 278 (4) of Regs Navy Part-III.*

20. *In the instant case the trainees were relegated for the first time as they had failed to qualify in three subjects during MEAT- 27, 'A' term, which was conducted from 02.11.2019 to 09.05.2020. The applicants were thereby given additional chance and they appeared in the next MEAT course, ie. MEAT- 28, and were again disqualified and further discharged from service owing to para 7 (f) of Navy Order 34/15 and Regulation 278 (4) of Regs Navy Part III. Therefore, from the above facts it is clearly established that the applicant was given additional chance to clear in the failed subjects but was unable to pass the same. It is also an admitted fact that the Navy is a combatant force and technical competence for handling sophisticated equipment is necessary for the security of the nation. It cannot afford to have probationers who cannot pass technical subjects during training. The applicants were repeatedly counseled at all levels of chain and at every instance of their failure. They also got extra time to study during Covid period despite the fact that the applicants were not able to meet the requirement of clearing the course.*

21. *In this background and after perusing the details of policies as applicable here, we are of the considered opinion that the respondents have given numerous opportunities to the applicants to improve themselves and qualify the course and have been fair in their approach. Therefore, we do not find any merit in the contention of the Ld. counsel for the applicant that their discharge should be set aside or that the respondents were unfair. We also don't find any merit in the defence that*

the syllabus was different or that the training regime and question were beyond the scope of syllabus and malpractice on part of the respondent.

22. *In this context, we would also like to clarify the status of a trainee in the Navy as a probationer and therefore, if the individual fails to meet the organizational requirement during training, the respondent has every right to discharge him from service. This aspect of law has also been clearly established by the apex court in the case of Union of India and Ors v. Manoj Deswal and Ors , (2016) 15 SCC 511. The court also in the case of Akash Singh Chahar (supra) have also observed the following:*

“11. In the instant case, applicant was relegated and was given additional chances to clear the failed subjects but he could not pass the same. We find that rulings relied upon by the applicant are based on different facts and are of no help to him. It is an admitted fact that the Navy is a combatant force and technical competence for handling sophisticated equipment is necessary for the security of the nation. It cannot afford to have probationers who cannot pass technical subjects during training.”

23. *Since, the applicant had failed to clear technical training several times, therefore, he was not retained in the service and the respondents were justified in discharging the applicant from service after following the due process. It is also our considered opinion that the applicants had been inducted into the trade of Artificer Apprentice (AA) based on the availability of vacancies in that trade as per the requirement of the organisation to fill certain operational manpower voids. Since, the applicants have failed to qualify for the post, the change of trade as claimed for also has to be dependent upon the similar necessity of filling up vacancies. If there are no such vacancies in an alternative trade, providing the disqualified applicants from one trade to another trade merely as a welfare measure would dilute desired operational readiness and efficiency of the defence forces as a whole, in the instant case Indian Navy. Therefore, compromising overall standards of defence forces merely to meet individual aspirations is not a desired tradeoff. Thus, we find no illegality, irregularity or impropriety in the order passed by the respondents.*

24. *In view of the above facts, O.A 2492 of 2021 has no merits, deserves to be dismissed and is accordingly dismissed.”*

(emphasis supplied)

38. Upon a careful perusal of the aforesaid observations, it is evident that the issue presently under consideration already stands comprehensively adjudicated in the aforesaid case

wherein this Tribunal has duly examined the judicial pronouncements relied upon by the rival parties.

39. As regards the contention of the applicant that four other individuals, despite relegation, were retained in service, the records and marks produced before us reveal that the said individuals, namely, Naveen Kumar Payal, Nikesh and Devesh Rajput, had each suffered relegation only once, whereas Bhupendra Singh had not been relegated in any term. The applicants, on the other hand, were discharged on account of two relegations.

40. The records further disclose that all the aforesaid four individuals had cleared their 'A Term' and 'D Term' in the first attempt. Bhupendra Singh had not been relegated at all, while Naveen Kumar Payal was relegated once in the 'B Term', and both Nikesh and Devesh Rajput were relegated once in the 'C Term'.

41. In view of the foregoing and in the absence of any demonstrable illegality, arbitrariness or procedural infirmity, this Tribunal finds no justification to interfere with the impugned decision. Accordingly, the matter does not warrant any further deliberation.

42. We are, therefore, of the considered view that OA No.1862/2023 and the connected matters are devoid of merit.

43. Consequently, OA No.1862/2023 and the connected matters stand dismissed.

44. No order as to costs.

45. Pending miscellaneous application(s), if any, stands closed.

Pronounced in open Court on this 19^{Hu} day of September, 2025.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

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

Neha

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