

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

113.

OA 1937/2019

Spr Daljit Singh Applicant
Versus Respondents
Union of India & Ors.

For Applicant : Mr. Ajit Kakkar, Advocate
For Respondents : Mr. Niranjan Das, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE MS. RASIKA CHAUBE, MEMBER (A)

O R D E R
01.12.2025

The applicant has invoked the jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunal Act, 2007. The relief claimed by the applicant has been set out in Para 8 of the OA which reads as under:-

- (a) *To direct the respondents to grant out of turn promotion to the rank Havildar as per the policy.*
- (b) *To direct the respondents to protect the seniority of promotion of the applicant.*
- (c) *To direct the respondents to pay all consequential benefits accrue to the applicant due to promotion.*

2. It is the case of the applicant that he has been unreasonably, unjustly and arbitrarily denied his first out of turn promotion under the Sports Promotion Policy issued by the Army Sports Control Board (ASCB). The applicant was enrolled in the Indian Army on 15.06.2011. Pursuant to the

selection and trials conducted for the 33rd Senior National Rowing Championship from 02.12.2013 to 06.12.2013 the applicant participated in the trials and was issued a No Objection Certificate (NOC) vide letter No. 1019/Rowing/3/ SSCB dated 27.01.2014.

3. The applicant represented various sports events thereafter and won multiple medals as detailed in this application. His principal grievance is that having participated in the 33rd Senior National Rowing Championship representing the State of Maharashtra and having secured a Silver Medal in the event, he became fully eligible for an out of turn promotion under the applicable policy. The applicant had obtained prior permission from the ASCB through proper channel.

4. However, due to prolonged and avoidable correspondence between Respondent Nos. 3 and 4, spanning from 17.10.2014 to 19.01.2018, the required NOC was not issued in time. As a result of this administrative delay, the applicant's case for out of turn promotion was not processed. Despite meeting all criteria and winning a medal in a recognized event, he was denied his first out of turn promotion.

5. Mr. Ajit Kakkar, learned counsel for the applicant took us through the record including the applicant's participation, performance and the relevant supporting documents. The respondents have filed a detailed counter affidavit. Significantly, in reply to Ground No. 5 (Page 69 of the counter affidavit), the respondents have admitted that the delay in issuing the NOC was not attributable to the applicant and that he may be granted the relief of out of turn promotion.

6. The respondents' own averments from Para 4 onwards of their counter affidavit reveal that they were consistently seeking the NOC from the competent authority but the delay in its issuance resulted in the applicant's promotion case not being considered. These statements clearly indicate that "*had the NOC been issued in time, the applicant would have been granted the out of turn promotion*".

7. As regards the respondents' contention that the applicant did not participate in an individual event, the record clearly belies this assertion. The documents on file, as well as the admissions by the respondents, establish that the applicant participated in the Single Scull Rowing event, which is an individual discipline and secured a Silver Medal.

8. In our considered view, applicant cannot be penalized for an administrative lapse for which he is not responsible. Since the respondents themselves admit that the delay in issuing the NOC was not due to any fault of the applicant, he cannot be made to suffer adverse consequences.

9. The applicant is stated to be still in service. Accordingly, in light of the admitted position of the respondents, the applicable sports promotion policies and the documents on record, we direct as follows:

- a) The applicant shall be granted his first out of turn promotion to the rank of Havildar, as per the applicable policy with retrospective effect from the date on which it became due.
- b) All consequential benefits, including pay, allowances, and service benefits, shall be computed and released to the applicant.
- c) The applicant's seniority in the promoted rank shall be re-fixed accordingly.
- d) Consequential consideration for further promotions shall also be carried out strictly in accordance with applicable policy and his re-fixed seniority.

10. The aforesaid directions shall be complied with within three months from the date of receipt of a copy of this order.

11. The OA stands disposed of accordingly.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[RASIKA CHAUBEY]
MEMBER (A)

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