

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

36.

OA 567/2025

Maj Gen Pawan Bir Singh Lamba Applicant
Versus
Union of India & Ors.

Respondents

For Applicant : Mr. Indra Sen Singh, Advocate
For Respondents : Ms Sarika, Leglal Cell

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
28.02.2025

Invoking jurisdiction of this Tribunal under Section 14 of the Armed Forces Tribunals Act, 2007, the prayers made by the applicant in this Application read as under:-

"a) Call for entire relevant record, and after perusal thereof, direct the Respondents that the Applicant shall not be retired from the service in his present rank of Major General until completion of the process of consideration by Special Selection Board (SSB) which has been held in Dec-2024 to consider the Applicant as a Special Review (Fresh) case for promotion to the rank of Lt General pursuant to the judgement/order dated 27.09.2024 passed by this Hon'ble Court in Applicant's OA 2663/2023;

b) Direct the Respondents not to give effect to the order of retirement dated 14.08.2024 (Annexure A-1, Pg-22) qua the Applicant pending completion of the process of consideration by a/m Special Selection Board (SSB) which has been held

in Dec-2024 to consider the Applicant as a Special Review (Fresh) case for promotion to the rank of Lt General pursuant to the judgement/order dated 27.09.2024 passed by this Hon'ble Court in Applicant's OA 2663/2023."

2. The interim prayer is to stay the order of superannuation from the ^{Rank D} ~~post~~ of Major General till the results of the Selection Board met in December, 2024 is not declassified.

3. We have considered the submissions made by learned counsel for the parties and have also taken note of the principles laid down by the Hon'ble Supreme Court in the case of *Union of India vs. Air Commodore NK Sharma* 2023 SCC Online SC1673, particularly with regard to consideration of the directions issued by this Tribunal in the said case in para 55 onwards.

4. Taking note of the aforesaid, for the present, we are not inclined to grant any interim protection to the applicant as the promotion of the applicant to the ^{Rank B} ~~post~~ of Lt. General is still to take effect and it depends upon the declassification of the Selection Board proceedings which are pending consideration before the competent authority.

5. In view of the above, we dispose of this OA for the present without granting any interim protection with the following directions:-

(i) In case the applicant is granted promotion on declassification of the Selection Board proceedings and the respondents do not grant him consequential benefit, liberty shall be available to the applicant to seek revival of this OA and canvas the prayers made in this application.

(ii) In case the applicant is not granted promotion on declassification of the selection board proceedings, he will have liberty to challenge it afresh in accordance with law.

6. In view of the above observations and liberties to the applicant, for the present, without expressing any opinion on the merits of the rival contentions made before us at the time of hearing, we dispose of this OA. We expect the respondents to expedite declassification of the proceedings.

7. Let a copy of this order be served dasti to learned counsel for both the parties.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[REAR ADMIRAL DHIREN VIG]
MEMBER (A)

/vb/