

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

OA 2362/2023

EM (R) I Balwan	Applicant
Versus		
Union of India and Ors.	Respondents

For Applicant	:	Mr. Arvind Kumar, Advocate
For Respondents	:	Mr. Rajeev Kumar, Advocate

CORAM

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

ORDER

This application has been filed by the applicant under Section 14 of the Armed Forces Tribunal Act, 2007, seeking following reliefs:

- a. Quash and set aside the letter No. RP/1402/21/B dated 20.02.2023 and letter dated 14.09.2021 to the extent rejecting the claim of promotion of the applicant from the date 06.01.2018.*
- b. Promote the applicant to the rank of Ag. LEM (R) w.e.f. 06 Jan 2018 in accordance with promotion order IN 52 vide letter No. PR/0301/231104N dated 02.11.2017*
- c. Direct the respondents to promote the applicant notionally to the rank of Petty officer, notionally, as consequential benefits.*
- d. Award cost of the instant case; and*
- e. Grant any other relief or relieves as to this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the case.*

BRIEF FACTS OF THE CASE

2. The applicant was enrolled in the Indian Navy as Senior Secondary Recruit (SSR) on 01 August 2012 with Basic date of 06 August 2012 in Electrical trade and was promoted to EM (R) I on 09 June 2016 w.e.f. 06 January 2015. Whilst on leave w.e.f. 01-22 December 2016, he met with a road accident on 12 December 2016 near Surajgarh, Jhunjhunu, Rajasthan, where his car (HR 34 H 8130)

collided with a motorcycle at a fuel station, injuring rider Sanjay Kumar (fracture) and pillion Harikrishan and an FIR on 24 January 2017 was registered at Surajgarh Police Station under IPC Sections 279, 337, 338. Subsequently, the applicant received judicial bail and a charge sheet was filed, with the civil case remaining lis pendens at District Court, Pilani, Jhunjhunu.

2. The applicant was due for promotion to Ag. LEM (R) w.e.f. 06 January 2018 and the Commodore Bureau of Sailor issued IN-52 dated 02 November 2017 accordingly. Due to the pending case, INS Virbahu sought HQENC approval vide letters dated 19.12.2017, 04.07.2018, and 11.07.2018 (No. 203/231104N), but HQENC denied it vide RP/0202/137882-W dated 01 August 2018 per Para 2(b) Navy Order (Str) 01/2010, holding promotion in abeyance.

3. Post-two-year withholding, the case for promotion of applicant was reviewed by Chief of Naval Staff and the Competent Authority vide letter RP/1402/21/B dated 14.09.2021, accorded conditional approval of promotion to the applicant w.e.f. From 10.09.2021, stating that “the sailor be informed that in case he is acquitted from all charges his promotion date would be amended retrospectively and in case of conviction, he would be disgraced”.

4. Thereafter, the applicant was issued IN-52 on 27 September 2021 but was returned unactioned by 14SS vide letter No. 259 dated 22 July 2022, stating that the applicant has refused his promotion to the rank of Ag. LEM (R) w.e.f. 10/09/2021 and gave unwillingness

for the promotion in his statement. Applicant's ROGs forwarded via Commodore Bureau of Sailors vide letter dated 18.10.2022, was considered and the Competent Authority vide letter dated 20.02.2023, after examining the applicant's ROG de-novo, disposed off the representation thereby concluding that no injustice has been done to the applicant.

SUBMISSIONS ON BEHALF OF THE APPLICANT

5. It is the case of the Applicant that the impugned orders vide letter dated 01.08.2018, withholding promotion and letter dated 14.09.2021 for conditional promotion are patently illegal, arbitrary, and violative of constitutional rights under Articles 14 and 21, as these orders lack lawful foundation under Navy Order (Str) 01/2010, Para 2(b), and are liable to be quashed in entirety.

6. It is submitted by the applicant that the Respondents' case rests solely on a charge sheet under Sections 279/337 IPC for a road traffic accident, which is a minor and non-serious offence with maximum six months punishment each and thus, neither involves moral turpitude, nor brings disgrace/discredit to Naval Service, nor prejudices Government/naval interests, as required by the policy and that the respondents' own HQENC/SO(P) correspondence acknowledges these offences "neither pertain to moral turpitude nor bring disrespect to Naval Service," undermining their legal basis. Moreover the Applicant's humanitarian response by aiding injured

parties and facilitating treatment reflects naval discipline, not disrepute.

7. The applicant places reliance on the judgement of Hon'ble Supreme Court in the matter of *State of Punjab v. Davinder Pal Singh Bhullar with Sumedh Singh Saini vs. Davinder Pal Singh Bhullare & Ors* to contend that the conditional promotion, i.e. retrospective promotion only on acquittal and disrating on conviction is void ab initio, invoking *sublato fundamento cadit opus*.

8. It is contended by the applicant that the action of respondents violate Article 21 by inflicting quantifiable prejudice through 3 years 8 months seniority loss eroding pension and gratuity benefits and career stagnation bars POEL-R(Q) Board eligibility, and moreover ACR gaps from 2018 to 2021 impaired his future progression.

SUBMISSION ON BEHALF OF THE RESPONDENTS

9. Per contra, the respondents submits that all impugned actions strictly comply with Navy Order (Str) 01/2010, and the Para 2(b) thereof mandatorily withholds promotion where a formal charge sheet is filed in court for civil offences involving moral turpitude or discrediting naval service, as here with FIR No. 26/2017 (24 Jan 2017) under IPC Sections 279, 337, 338 pending at District Court, Pilani, Jhunjhunu and therefore HQENC rightly denied approval vide letter dated 01 Aug 2018 , withholding from due date 06 Jan 2018.

10. It is the case of respondents that in consonance with Para 5(b) of Navy Order (Str) 01/2010, Chief of Naval Staff reviewed the case

for promotion post two-year withholding, yielding conditional promotion approval w.e.f. 10 September 2021 prospectively with retrospectivity only on acquittal per Para 6, however Applicant's refusal from promotion led to his non-promotion.

CONSIDERATION

11. We have heard both the parties at length, and have perused the materials placed on record by both the parties, including the relevant letters and communications. On a careful perusal of the aforesaid documents and after hearing both the parties, we find that there are two issues which warrant our consideration – Firstly, whether the offence by which applicant has been charged with falls within the definition of 'moral turpitude' as provided under Para 2(b) Navy Order (Str) 01/2010 and secondly, whether denying him promotion on 6th Jan,2018 on that ground instead granting him the same w.e.f. 14/09/2021 conditionally as per Para 5(b) of the abovementioned Navy Order is justified.

12. From the study of records, it is clear that while applicant was on leave, he met with an accident, for which an FIR No. 26/2017 dated 24.01.2017 was registered against him. Meanwhile, after the investigation, case was committed for trial before the concerned Magistrate. During the pendency of this trial, applicant became due for promotion to Ag. LEM (R) w.e.f. 06.01.2018, for which a IN 52 was issued on 02.11.2017 by Commodore Bureau of Sailors (CABS) w.e.f. 06.01.2018.

13. However, due to pendency of trial, applicant's unit INS Chakra though its base depot INS Virbahu sought approval for promotion of the applicant to Ag LEM (radio) from FOC-in-C vide its letter dated 203/231104N dated 11 July 2018 which states as under:-

CONFIDENTIAL

Tele: 2703

*INS Virbahu
Naval Base
Visakhapatnam 530014
Jul 18*

203/231104N

*The Flag Officer Commanding-in-Chief
(for Staff Officer (Personnel))
Headquarters, Eastern Naval Command
Visakhapatnam 530014*

**PROMOTION TO NEXT HIGHER RANK
BALWAN, EMR I, NO. 231104N**

1. Refer to the following:-

(a) INS Chakra letter 203/1/U/CHK/discipline dated 04 Jul 18 (copy enclosed).

(b) CABS IN52 No. PR/0301/231104N dated 02 Nov 17 (copy enclosed).

(c) Para 3 of NO (Str) 01/2010.

2. It is intimated that INS Chakra vide letter para (a) brought out that the above mentioned sailor has pending civil court case of road traffic accident against him at his native place Pilani, Rajasthan since 09 May 17. Next date of hearing of the case is scheduled on 15 Sep 18.

*3. The sailor has been issued with IN 52 for the promotion to next higher rank as Ag. LEM(R) wef 06 Jan 18 vide CABS IN 52 para (c) *ibid*.*

*4. In view of the above, it is requested that approval of competent authority may be accorded iaw Navy Order para (c) *ibid* for promotion of the sailor. Service document of the sailor is enclosed herewith.*

*(Jatin Kumar)
Lt Commander
Regulating Officer
For Commanding Officer*

Encl: As above

Copy to:
The Commodore
{for SSO (Promotion)}
Bureau of Sailors
Sion Trombay Road
Mankhurd, Mumbai-400 0088

The Commanding Officer
INS Chakra
C/o Fleet Mail Office
Visakhapatnam 530014

However approval for promotion was not accorded and the same was denied vide Eastern Naval Command letter no. RP/1402/21/B dated 14.09.2021 in accordance with para 2(b) of NO(Str) 01/2010 which states as under:-

2. Promotion of sailors is to be held in abeyance in the following:-

(a) Disciplinary/ Vigilance Cases. Where charges have been framed against the sailor by the Competent Authority or when indicted by a BOI/OMI.

(b) Civil Offences. Where a formal charge sheet has been filed in a Court of Law on behalf of the Government, on matters involving moral turpitude or such other cases which bring disgrace/discredit to the Service or which in any manner are prejudicial to the Government / naval interest.

14. Subsequently, Noting that the ongoing trial was still pending for more than 2 years, leading to the promotion of the applicant being withheld, applicant's case for promotion was sent to Naval HQs as per para 5(b) of NO(Str) 01/2010., which was reviewed by Chief

of Naval Staff, vide letter no. RP/1402/21/B dated 14.09.2021 who accorded conditional approval for promotion to the applicant to the rank of Ag. LEM (R) w.e.f. 10.09.2021, stating that if applicant is finally acquitted in the pending trial, his promotion date shall be changed retrospectively to the effective date of promotion i.z.06/01/2018.

15. Accordingly, a fresh IN 52 dated 27.09.2021 was issued for promotion to the rank of Ag. LEM (R), but the same was returned unactioned by his unit stating that the applicant has refused his promotion on the ground that he is unwilling for conditional promotion which was being denied to him on account of para 2(b) of NO (Str) 01/2010 and that he should be promoted from the effective date of promotion itself.

16. At this point, we find it essential to refer to the understanding of 'moral turpitude' as has been referred in para 2(b) of Navy Order (Str) 01/2010 as a restriction to the promotion in Navy Order (Str) 01/2010, as interpreted by the academic and judicial fora from time to time, for which we find it pertinent to refer to

.(a) The "moral turpitude" as acknowledged in "The Law Lexicon, 2nd Edition, 1997" are as under:

Moral turpitude. Anything done contrary to justice, honesty, principle, or good morals; an act of baseness, vileness, or depravity in the private and social duties which a man owes to his fellow man or to society in general, contrary to the accepted and customary rule of right and duty between man and man. (Ame. Cyc.).

The morally culpable quality held to be present in some criminal offences as distinguished from other described in reference to Section 385(1)(c), Companies Act.

The term of moral turpitude is not clearly defined. What constitutes moral turpitude, or what will be held such, is not entirely clear. A contract to promote public wrong, short of crime, may or may not involve it. If parties intend such wrong, as where they conspire against the public interests by agreeing to violate the law or some rule of public policy, the act doubtless involves moral turpitude. When no wrong is contemplated, but is unintentionally committed, through error of judgment, it is otherwise. (Pullman's Palace Car Co. v. Central Transp. Co., 65 Fed 158, 161.) Everything done contrary to justice, honesty, modesty, or good morals is done with turpitude, so that embezzlement involves moral turpitude.

Anything done contrary to justice, honesty, principle or good morals, an act of baseness, vileness or depravity in the private and social duties which a man owes to his fellowmen or society in general, contrary to the accepted and customary rule of right and duty between man and man. (American Encyclopaedia of Law.) interpreted in reference to Section 267 of Companies Act (1 of 1956).

'Moral turpitude' refers to conduct that is inherently base, vile or depraved and contrary to the accepted rules of morality, whether it is or is not punishable as a civil possession of fire are by a person who has not engaged in neferious activities, does not amount to moral turpitude. Chandgi Ram v. Election Tribunal, dealt with in reference to Section 153 of the Delhi Land Reforms Act (Act 8 of 1954).

The expression 'moral turpitude' implies depravity and wickedness or character or disposition of the person charged with the particular conduct. Risal Singh v. Chandgi Ram, , dealt with in reference to Section 153(e) of Delhi Land Reforms Act (8 of 1954).

A conviction of a person under Section 16 of the Act does not mean that he has committed an offence involving moral turpitude, unless the facts on which the conviction is based are known. Prem Kumar v. State of H.P., elaborated in reference to Section 16 of the Prevention of Food Adulteration Act.

(b) In Mitra's Legal & Commercial Dictionary, Fourth Edition, Moral Turpitude has been defined as under:-

"Moral Turpitude. The expression 'moral turpitude' or 'delinquency' is not to receive a narrow construction. Whenever conduct proved against an advocate is contrary to honesty or opposed to good morals or is unethical, it involves moral turpitude. In re P. an Advocate AIR

1963 SC- 1313. Every punishable act is not an offence involving moral turpitude.

The following are the tests (a) whether the act leading to a conviction is such as could shock the moral conscience of the society in general?; (b) whether the motive leading to the act was a base one; (c) whether on account of the act having been committed the perpetrator is to be looked down in the society as a depraved man. Management of Tractors and Farm Equipment Ltd. v. P.O., First Addl. Labour Court (1983) 1 Mad LJ 41."

(c) In Corpus Juris Secundum Vol. LVIII it has been provided as under:-

"the phrase "moral turpitude" has no definite meaning and that it shifts and fluctuates in keeping with changes in the moral standards of a people or country."

"Moral turpitude" has been defined as meaning an act of baseness, vileness, or depravity in the private and social duties which a man owes to his fellow man, or to society in general, contrary to the accepted and customary rule of right and duty between man and man, and this definition has been given by a great many authorities and approved by all that have considered the question. The term has also been defined as meaning anything done contrary to justice, honesty, principle, or good morals; everything done contrary to justice, honesty, modesty, or good morals; anything done knowingly contrary to justice, honesty, or good morals. "Moral turpitude" has also been defined to mean baseness, depravity, or wickedness; base or shameful character; a base or shameful act.

Standards of morals differ from time to time and at different places, and the concept of moral turpitude depends to some extent on the state of public morals, and is to be determined by the state of public moral and the common sense of the community, and since "moral turpitude" is a term which conforms to, and is consonant with, the state of public morals, it never can remain stationary, but it may vary according to community or the times.

Moral turpitude often involves the question of intent, and as a general rule unintentional wrong, or an improper act done without unlawful or improper intent, does not carry with it the germ of moral turpitude. Thus an act committed because of ignorance does not constitute moral turpitude. It is not necessary to prove a bad motive on the part of one in order to have it said that he is guilty of moral turpitude.

There is no hard and fast rule as to what constitute moral turpitude and what will be held such is not entirely clear. Moral turpitude implies something immoral in itself, regardless of whether it is

punishable by law as a crime, since an act may involve moral turpitude even though it is not a crime. It must not merely be mala prohibita, but the act itself must be inherently immoral. The doing of the act itself, and not its prohibition by statute, fixes the moral turpitude. Everything done contrary to justice, honesty, modesty, or good morals is done with turpitude.

Moral turpitude is not involved in every criminal act and is not shown by every known and intentional violation of statute, but whether any particular conviction involves moral turpitude maybe a question of fact, and frequently depends on all the surrounding circumstances. It is therefore difficult to determine just what crimes do involve moral turpitude, and the courts are not in complete agreement with respect to the particular offenses to which this concept attaches. One reason for this difficulty and lack of agreement may be the fact that the concept of moral turpitude may vary according to the community or the times, as stated supra p. 1202 note 87. Thus in one community a crime might be held to involve moral turpitude when gauged by the public morals of that community; but in another community the same offense would not be so considered. Furthermore, many things which were not considered criminal in the past have, with the advancement of civilization, been declared so by statute, and the commission of such an offense, if it involves the violation of a rule of public policy and morals, is such an act as may involve moral turpitude. Another reason is that some crimes are of such a nature by definition that they involve moral turpitude as a matter of law. Other crimes, of which the punishment is quite as severe, do not involve moral turpitude as a matter of law. In between these two classes is the class of crimes where the determination as to whether moral turpitude is involved becomes a question of fact in the particular case. As to this last class, the circumstances must be regarded to determine whether moral turpitude was shown, and the circumstances attendant on the commission of the offense usually furnish the best guide. It cannot be measured by the nature or character of the offense unless, of course, it be an offense inherently criminal, the very commission of which implies a base and depraved nature. The severity of punishment imposed is not controlling on the issue whether the offense involves moral turpitude, for there are various shades and degrees of moral turpitude, varying from the vilest and basest acts of moral degeneracy, punishable by the severest punishment to death, to other acts which involve a very slight degree of moral turpitude and on which society does not frown with such severity.

As a general rule, a crime will be considered as involving moral turpitude if it involves an act of baseness, vileness, or depravity when judged in the light of the social duties which a man owes to his fellow man or to society in general. If the actual commission of an offense involves moral turpitude, then an attempt to commit the offense, on a

conspiracy to commit the offense, will likewise involve moral turpitude.

Offenses against the revenue laws, such as defrauding the government of taxes imposed on intoxicating liquors, or smuggling, have been held to be crimes involving moral turpitude, although it has been said that an attempt to evade payment of a tax due the nation, or the commonwealth, or the city, or the school district, while wrong and unlawful, does not necessarily involve moral turpitude.

Violations of state and federal narcotic laws are generally regarded as offenses involving moral turpitude, but the contrary view has also been recognized.

17. With respect to the judicial view taken by judicial forums in India, we refer to

(a) In Baleshwar Singh v. District Magistrate Collector, Varanasi and Ors., Allahabad High Court has considered the expression of moral turpitude in reference to Section 5-A(h) of U.P. Panchayat Raj Act and Section 182 of Indian Penal Code as follows: ~

"The expression 'moral turpitude' is not defined anywhere. But it means anything done contrary to justice, honesty, modesty or good morals. It implies depravity and wickedness of character or disposition of the person charged with the particular conduct, livery false statement made by a person may not be moral turpitude, but it would be so if it discloses vileness or depravity in the doing of any private and social duty, which a person owes to his fellowmen or to the society in general. If therefore, the individual charged with a certain conduct owes a duty, either to another individual or to the society in general, to act in a specific manner or not to so act and he still acts contrary to it and does so knowingly, his conduct must be held to be due to vileness and "depravity." It will be contrary to accepted customary rule and duty between man and man."

(b) In Mangali v. Chakki Lal and Ors., Allahabad High Court had held as follows. ~

"With great respect, it appears to me that some of the observations made in these decision have been too widely stated and if followed literally may make every act punishable in law an offence involving moral turpitude, that, however could not be the intention with which those observations were made. From consideration of the dictionary meaning of the words 'moral' and 'turpitude' as well as the real ratio decided of the cases the principle which emerges appear to be that the question whether a certain offence involves moral turpitude or not will necessarily depend on the circumstances in which the offence is committed. It is not every punishable act that can be considered to be an offence involving moral turpitude. Had that been so, the qualification "involving moral turpitude" would not have been

used by the Legislature and it would have disqualified every person who had been convicted of any offence. The tests which should ordinarily be applied for judging whether a certain offence does or does not involve moral turpitude appear to be : (1) whether the act leading to a conviction was such as could shock the moral conscience of the society in general, (2) whether the motive which led to the act was a base one and (3) whether on account of the act having been committed the perpetrator could be considered to be a depraved character or a person, who was to be looked down upon by the society.

(c) Hon'ble Apex Court in Pawan Kumar vs. State of Haryana & Ors. [(1996) 4 SCC 17], with regard to moral turpitude has observed as under: -

"12. "Moral turpitude" is an expression which is used in legal as also societal parlance to describe conduct which is inherently base, vile, depraved or having any connection showing depravity. The government of Haryana while considering the question of rehabilitation of ex-convicts took a policy decision on February 2, 1973 (Annexure E in the Paper Book), accepting the recommendations of the Government of India, that ex-convicts who were convicted for offences involving moral turpitude should not however be taken in government service. A list of offences which were considered involving moral turpitude was prepared for information and guidance in that connection. Significantly Section 294 IPC is not found enlisted in the list of offences constituting moral turpitude. Later, on further consideration, the government of Haryana on 17/26th March, 1975 explained the policy decision of February 2, 1973 and decided to modify the earlier decision by streamlining determination of moral turpitude as follows : ...

The following terms should ordinarily be applied in judging whether a certain offence involves moral turpitude or not :

- (1) whether the act leading to a conviction was such as could shock the moral conscience of society in general.*
- (2) whether the motive which led to the act was a base one.*
- (3) whether on account of the act having been committed the perpetrator could be considered to be of a depraved character or a person who was to be looked down upon by the society.*

Decision in each case will, however, depend on the circumstances of the case and the competent authority has to exercise its discretion while taking a decision in accordance with the abovementioned principles. A list of offences which involve moral turpitude is enclosed for your information and guidance. This list, however, cannot be said to be exhaustive and there might be offence which are not included in it but which in certain situations and circumstances may involve moral turpitude."

(d) In Allahabad Bank & Anr. vs. Deepak Kumar Bhola [(1997) 4 SCC 1] the Hon'ble Supreme Court has held as under:

“8. What is an offence involving "moral turpitude" must depend upon the facts of each case. But whatever may be the meaning which may be given to the term "moral turpitude" it appears to us that one of the most serious offences involving "moral turpitude" would be where a person employed in a banking company dealing with money of the general public, commits forgery and wrongfully withdraws money which he is not entitled to withdraw.”

18. In the light of the above, the applicant's charge of rash driving, stemming from an accident without ill motive or intent wherein he has been charged under Section-279,337 and 338 of IPC 1860, does not constitute moral turpitude under established legal definitions and judicial tests. Moral turpitude signifies inherent depravity, baseness, or vileness contrary to justice, honesty, or societal norms, as articulated in *The Law Lexicon (2nd Ed., 1997)*, *Mitra's Legal & Commercial Dictionary (4th Ed.)*, and *Corpus Juris Secundum* Vol. LVIII, which emphasize acts shocking the moral conscience, driven by base motives, or marking the perpetrator as depraved.

19. While going through the records, we find it relevant to discuss a letter dated 31.03.2021 addressed on behalf of Commander-in-Chief, Eastern Naval Command to Commodore, Bureau of Sailors (placed at Annexure A-3 Colly) clearly mentions that all the three charges are not severe and neither do they correspond to any offence pertaining to Moral Turpitude nor do they bring disrespect to naval services. The letter further states that

‘the sailor’s demeanor post the incident was of a responsible citizen, wherein post the incident the sailor has took both the rider and the pillion for medical treatment to the hospital’. Hence, application of para 2(b) Navy Order (Str.) 01/2010 i.e ‘moral turpitude’ in this case is unjustified and needs to be struck down.

20. With no reasonable logic to deviate from the observations of different High Courts laying down a settled view, we hold that the charge levelled on the applicant for rash driving, for which he is yet to be convicted, and the trial is yet to be concluded, does not constitute to be one of ‘moral turpitude’, and thus, it does not attract the restriction laid down in Para 2(b) of Navy Order (Str.) 01/2010 meaning thereby that the promotion of the applicant should not have been held in abeyance, therefore, answering the Issue No. 1 in favour of applicant.

21. With respect to the Issue No. 2, we find the need for the applicant to refuse promotion has been arisen only because his rightful due was denied to him by invoking 2(b) under Navy Order (Str.) 01/2010 clause. Once the same is set aside, the act of refusal by the Applicant becomes redundant. With our observations answering Issue No. 1, the issue no. 2 becomes clear, and the applicant is entitled to his promotion to the rank of Ag. LEM (R) from the date, it was due.

22. Hence, we direct that the applicant shall be deemed to be promoted to the rank of Ag. LEM (R) w.e.f. 06.01.2018 i.e. the date on which he was due for promotion and all subsequent promotion which would have otherwise been entitled. We also direct the respondents to consider the case of applicant for promotion to the rank of Petty Officer, as per the extant policy in vogue, wherein neither the refusal of promotion by the applicant nor any such requirement of adequate service in the rank of Ag. LEM or ACRs earned shall not act as a bar.

The necessary action shall be taken by the Respondents within a period of 4 weeks from the date of pronouncement of this order. He shall be entitled to pay and allowances for the promoted rank as would fall due to him post completion of the case.

23. Therefore, the OA 2362/2023 is allowed in terms of aforesaid directions.

25. No order as to costs.

26. Pending miscellaneous application(s), if any, are disposed off.

Pronounced in the open court on this 2nd day of February, 2026

(JUSTICE RAJENDRA MENON)
CHAIRPERSON

(RASIKA CHAUBE)
MEMBER (A)