

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

RA 60/2024 in OA 1389/2018

Rect Nand Kishore ..... Applicant  
Versus ..... Respondents  
Union of India & Ors.

For Applicant : Ms. Sangeeta Tomar, Advocate  
For Respondents : Mr. Niranjana Das, Advocate

Order reserved on 23.01.2026

CORAM

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

O R D E R

Seeking review of an Order passed by this Tribunal on 27.09.2024 in OA No.1389/2018, this Application has been filed under Rule 18 of the AFT (Procedure) Rules 2008. In OA No.1389/2018 applicant challenged his discharge from service on various grounds.

2. Applicant was recruited in the Brigade of Guards Regiment on 20.11.2016. He underwent basic and advance training for 39 weeks as part of the recruitment drive. Thereafter, he was assigned to course No.113 and began his training. In the training he failed in various tests particularly in the Advance Tests which have been mentioned in para 2 and 3 of the Order under review.
  
3. Finding that he did not pass various tests and holding him to be unlikely to become an efficient soldier, he was discharged.

Challenging the discharge, the said OA was filed and after analyzing various aspects of the matter, the original records produced before us and after perusal of the same, in para 12 the following findings were recorded:~

*"12. It is undisputed that the applicant, during training, had appeared in various tests and had failed to pass the mandatory drill test, because of which he was relegated from Course No.113 to Course No.114 on 21.09.2017. Thereafter, on 25.09.2017 he was again relegated to next lower Course No.115 as he again failed in drill test. It is also not in dispute that the applicant, even after having relegated twice, was given an additional chance on the direction of the Commandant of the Regimental Centre. Perusal of the record reveals that due chances were given to the applicant for passing the drill test, but he failed to pass the same. We have examined the results of the tests conducted on 19.06.2017, 17.07.2017, 22.09.2017, 23.10.2017, 14.11.2017, 24.11.2017, 11.01.2018, in which the applicant has failed in the drill test. Though in the result sheet of the test held on 17.07.2017, the applicant is listed as having passed, the respondents sought time to clarify this and had subsequently stated that this was an error in compilation. The fact that the applicant had to undergo the drill test in subsequent chances, is clearly indicative of the fact that he had not passed."*

4. Finding the applicant to have failed in the training programme, the OA was dismissed. In this Review Application, in para 4 of the Application the applicant submitted that the finding recorded by this Tribunal in para 12 of the Order, as detailed hereinabove, is based on the documents which were produced by a person who was neither privy to the documents nor an author of the documents and the document dated 07.09.2017 termed as Commandant Interview C/S No.113 is not correct as when he passed the Commandant Drill Test on 17.07.2017 as part of SCT

C/s No.113 thereafter there was no Commandant Interview held on 07.09.2017 and the document does not bear the signatures of the Commandant. This is a factual assertion made by the applicant and based on the same we are not inclined to permit any review. Even in reply to the averments made by the applicant in the RA, the respondents have produced various documents, namely :-

- “ 1. Result Sheet dt-07 September 2017
- 2. Minute Sheet Dt-19 September 2017
- 3. Result Sheet and Minute Sheet dt-22 September 2017
- 4. Result Sheet dt-23 October 2017 (Comdt. Drill test 1st chance)
- 5. Result Sheet dt-14 November 2017 (Comdt. Drill test 2nd chance)
- 6. Result Sheet dt-24 November 2017 (Comdt. Drill test 3rd chance)
- 7. Minute Sheet dt-10 December 2017
- 8. Minute Sheet dt-08 January 2018
- 9. Minute Sheet dt-11 January 2018”

5. The documents produced are certified by the officer-in-charge of the training company and the competent authorities. The document at page No.1 is a result sheet of the Commandant Interview STC C/S No.113 held on 07.09.2017. The applicant's name appears at Sl. No.33 and he is shown to have failed in the Drill. This document is signed by the competent authority and the originals were also produced before us at the time of hearing. Even the minute sheet of 19.09.2017 issued by Col. of the Training Cell Office shows the applicant to have failed in the Drill and the matter was placed before the Commandant who proved relegation of the

applicant to C/S 114 on 20.09.2017. All documents available on record as filed along with this Application were produced before us at the time of hearing, in original, by the respondents and the order passed by us was based on factual scrutiny of the original documents which clearly shows that the applicant had failed in the training course and the findings recorded by this Tribunal in para 12 is based on the material that came on record at the time of hearing.

6. Even the documents produced in these proceedings affirm the findings recorded by us in para 12 of the Order. The relegation of the applicant and the final minute sheet available on record clearly show that the applicant failed in the drill test because of which he was relegated from course No.113 to 114, 114 to 115, 115 to 116 and the decision was taken to grant him one more opportunity wherein he again failed on 10.12.2017 in the drill. Based on the last opportunity granted to him as is evident from the minute sheet dated 08.01.2018, he failed in the drill conducted on 11.01.2018 and, therefore, in the facts and circumstances of the case, there is no error apparent on the face of record warranting review/reconsideration.

7. The Application for review is wholly misconceived. There is no error apparent on the face of record and, therefore, The RA is dismissed.

8. No order as to costs.

9. Pronounced in the open Court on this 5 day of February, 2026.

[JUSTICE RAJENDRA MENON]  
CHAIRPERSON

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

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