

**ARMED FORCES TRIBUNAL  
REGIONAL BENCH  
JABALPUR**

**20 July, 2023**

**CORAM :**

**HON'BLE MR JUSTICE RAJENDRA MENON, CHAIRPERSON  
HON'BLE LT GEN GOPAL R, MEMBER (A)**

**21.**

**OA 88/2021 with MA 152/2021**

**No. 13769508F Naik (TS) Hans Raj (Retd)**  
S/o Shri Ganga Ram,  
R/o Village Kothi, P.O. Behana Jattan,  
Tehsil : Jhandutta,  
District Bilaspur (HP).

**.....Applicant**

**Versus**

- 1. Union of India,**  
Through the Secretary,  
MoD, Govt of India, New Delhi.
- 2. The COAS,**  
Army HQ, DHQ, PO  
New Delhi.
- 3. The OIC,**  
Records JAK RIFLES,  
Jabalpur (MP)
- 4. PAO (OR), JAK RIFLES,**  
Jabalpur (M.P)
- 5. The PCDA (P),**  
Draupadi Ghat, Allahabad (UP)

**.....Respondents**

**For Applicant** : Mr KC Ghildiyal, Sr. Advocate with  
Mr. HC Singh, Advocate

**For Respondents** : Mrs Kanak Gaharwar, CGSC

**ORDER**

1. The case was heard on 20.07.2023.
2. From the reply statement, we observe that the applicant had been denied MACP – II upgradation on account of his submission of an '*Unwillingness Certificate*' dated 07.07.2017 and 30.10.2017 for attending promotion cadres to Naik.
3. We observe that the date of retirement of the applicant was 31.08.2019. Respondents to place on record whether any promotion cadre to Naik w.e.f. 01.01.2018 to 31.08.2019, had been conducted by the unit concerned and if so whether unwillingness certificate for the same had been rendered by the applicant. Reply to be filed within six weeks from the receipt of copy of this order.
4. List again on 14.09.2023.

**(LT GEN GOPAL R)**  
MEMBER (A)

**(JUSTICE RAJENDRA MENON)**  
CHAIRPERSON