

# **ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOCHI**

O.A.NO.26 OF 2012  
WEDNESDAY, THE 25TH DAY OF JANUARY, 2012/5TH MAGHA, 1933

CORAM:

HON'BLE MR. JUSTICE JANARDAN SAHAI, MEMBER (J)  
HON'BLE LT.GEN.THOMAS MATHEW, PVSM, AVSM, MEMBER (A)

HAV./SK JACOB THOMAS, NO.15311339 Y,  
S/O.UTUPPAN THOMAS, AGED 39 YEARS  
HQ COMMANDER WORKS ENGINEER,  
YOL CANTT. KANGRAH DISTRICT,  
HIMACHAL PRADESH – 176 052.

**APPLICANT:**

*PERMANENT RESIDENT OF:*  
VALUPARAMBIL HOUSE, KALLISSERY P.O.,  
CHENGANNUR, ALAPPUZHA, KERALA – 689 124.

BY ADV. SRI. V.K. SATHYANATHAN.

***Versus***

1. UNION OF INDIA, REPRESENTED BY ITS  
SECRETARY, MINISTRY OF DEFENCE,  
SOUTH BLOCK,NEW DELHI 110 011.
2. THE CHIEF OF THE ARMY STAFF,  
COAS'S SECRETARIAT, INTEGRATED HEADQUARTERS,  
MINISTRY OF DEFENCE (ARMY), SOUTH BLOCK,  
DHQ P.O., NEW DELHI 110 011.
3. THE ENGINEER IN CHIEF, INTEGRATED HEADQUARTERS,  
MINISTRY OF DEFENCE (ARMY), SOUTH BLOCK,  
DHQ P.O., NEW DELHI 110 011.
4. THE O.I.C. RECORDS, BEG RECORDS,  
ROORKEE - 247 667.
5. THE O.I.C. RECORDS, MEG RECORDS, BANGALORE -540 042.

**RESPONDENTS:**

R1 TO R5 BY SR. PANEL COUNSEL SRI. S. KRISHNAMOORTHY

## **INTERIM ORDER**

**Janardan Sahai, Member (J):**

Heard Mr. V.K. Sathyanathan, counsel for the applicant. Admit.  
Issue notice. Mr. S.Krishnamoorthy, Senior Panel Counsel, accepts notice on

behalf of the respondents. He prays for and is granted two weeks time to file a reply statement.

2. Mr. Sathyanathan, counsel for the applicant submitted that the applicant was enrolled in the year 1992 as a Sapper in MEG and after training posted as Store Keeper (SKT) and later on was voluntarily transferred to MES Militarised Cadre (SK). He became Havildar in the year 2009, whereas according to the applicant, his contemporaries who remained in the MEG became Havildars eight years before the applicant as there was a separate seniority roster. The merger directed by Annexure A6 will, it is submitted, affect the seniority of the applicant. Counsel for the applicant also brought to our notice the order of the Calcutta Bench of the Tribunal in OA. Nos.74 of 2011 and 75 of 2011 and connected matters in which interim order has been granted. The learned counsel for the applicant also placed before us an interim order in a similar matter granted by the Principal Bench of the Tribunal in OA NO.191 of 2011 and connected matters, in which an order of status quo was passed. In such circumstances, until the next date, viz. 8.2.2012, the status quo will be maintained in respect of the applicant.

Sd/-  
LT. GEN. THOMAS MATHEW,  
MEMBER (A)

DK.

Sd/-  
JUSTICE JANARDAN SAHAI,  
MEMBER (J)

(True copy)

Prl. Private Secretary

DK.