

**FORM NO – 21**  
**(See Rule 102 (1))**

**ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOLKATA**

**APPLICATION NO: T.A. 5 OF 2013**

**THIS 25TH DAY OF JULY, 2014**

**CORAM: Hon'ble Mr. Justice Raghunath Ray, Member (Judicial)**

**Hon'ble Lt. Gen. K.P.D.Samanta, Member (Administrative)**

IC-33052W Major General SK Choudhury  
Son of Shri BB Choudhury,  
R/O Vill No. 1, Nivedita Lane,  
PO- Nona chandan Pukur.  
District 24 Parganas, West Bengal,

..... Applicant

- Versus -

1. Union of India  
Service through the Secretary,  
Ministry of Defence, South Block,  
DHQ P.O. New Delhi-110 011.
2. The Chief of Army Staff,  
Integrated HQ, M/o Defence (Army),  
DHQ P.O., New Delhi-110 011.
3. The Military Secretary,  
Military Secretary's Branch,  
Integrated HQ of Army, M/O Defence, (Army)  
DHQ P.O., New Delhi-110 011.
4. Lt. Gen. JDS Rawat, AVSM, SM,  
Commandant Military Intelligence,  
Training School and Depot Wanawrie  
Pune-411040

..... Respondents

For the applicant: In Person

For the respondents 1 to 3: Mr. Mintu Kumar Goswami, Advocate

**ORDER****Per Hon'ble Lt. Gen. K. P. D. Samanta, Member (A):**

This matter was originally filed before the Principal Bench of Armed Forces Tribunal at New Delhi as original application (OA No. 499 of 2010) by the applicant, while he was in service ventilating a grievance against his non-promotion to the rank of Major General in 2006 along with respondent No. 4. During the pendency of the said application, he retired and settled at Kolkata. Therefore, on his application, the Hon'ble Chairperson, in exercise of power u/s 27 of the AFT Act, 2007, has been pleased to transfer the case to this Bench for disposal. Accordingly, the same has been renumbered as TA No.5 of 2013 in this Tribunal.

2. Brief facts relevant for the purpose of deciding this case are that the applicant was commissioned in the Indian Army on 30-4-1972 in Infantry and was assigned to the SIKH Regiment. Being initially a short service commissioned officer, his date of seniority was later fixed as 18<sup>th</sup> October 1973 after grant of regular commission. Thus, he belonged to 1973 batch. Subsequently, he was transferred to the Intelligence Corps in 1982, where he was working sincerely with dedication till his retirement. At the relevant time i.e. in 2006, he was in the rank of Brigadier in the Intelligence Corps. He was due for promotion to Major General, for which No.1 Selection Board was scheduled to be held in October, 2006. Along with him, Respondent No.4 was also eligible for the said promotion and was to be considered by the same No.1 Selection Board. Respondent No. 4 was junior to the applicant, who was the senior most in his batch. Even though the Board meeting was tentatively fixed in October, 2006, but the holding of the board was postponed and it was actually held on 13-12-2006. There were in all three candidates including applicant and respondent No.4. Only one vacancy was allotted for this selection board. The applicant was not approved, whereas Respondent No.4 was approved and recommended by the No.1 Selection Board.

Accordingly, respondent No.4 was promoted to the rank of Major General earlier than the applicant though the applicant was senior to him. Subsequently, in August, 2007 the next selection board meeting was held for next batch. Only one vacancy was made available for this board. There was, however, no fresh candidate from 1974 batch but the case of the applicant and another were considered in this board as first review case of 1973 batch as per rules. They were considered along with one fresh candidate from 1975 batch. The applicant was eventually approved and promoted to the rank of Maj Gen with effect from 6-3-2008 with seniority of Maj Gen from 1-7-2007.

3. The grievance of the applicant is that in case of his earlier batch, i.e. 1972 batch, there were two candidates in the field and two vacancies were allotted and both the candidates were promoted whereas in the case of his own batch, i.e. of 1973 batch, there were three candidates in the field, but only one vacancy was allotted by the authorities. As a result, he could not be promoted, due to non-availability of vacancy as according to him selection was made based on number of vacancies available. In other words, against one vacancy only one candidate was approved and no panel was prepared. Due to such wrongful and arbitrary allotment of vacancy, he had to wait for about 8 months to get his due promotion in the subsequent year whereas his junior got promotion ahead of him and became senior to him in the rank of Maj Gen. As a result, the applicant could not get opportunity to be promoted in the next higher rank of Lt. Gen. His further grievance is that a vacancy was going to occur on 1<sup>st</sup> December, 2007 consequent on impending retirement of Maj. Gen V.K. Bhutani. This vacancy could have been allotted for 1973 batch because the selection board's meeting was held in December 2006 and anticipated vacancy that may arise within the next 12 months is to be taken into account while making allotment of

vacancy. Had the vacancy that would arise on 1<sup>st</sup> December 2007, been taken into account, then, he would have got promotion along with respondent No.4 as Maj Gen. Since he was senior to respondent No.4 in the basic seniority, in the promoted post, he would also become senior to respondent No.4 and in that event his chance of promotion as Lt. Gen would have been much brighter. However, due to arbitrary allotment of vacancy and for not preparing any panel, he could not get his due benefit and suffered a lot in the matter of promotion.

4. His further grievance is that the authorities showed undue favour to respondent No. 4 although he (applicant) was much better candidate. For, example he has stated that he was nominated for Higher Command course much before respondent No. 4 but he was not given a criteria posting and posted as Director (P&P) whereas respondent No. 4 was given such criteria posting as Col GS(Ops). Thus, in the selection, he got additional weightage than him and was selected in preference to him (the applicant).

5. He made both statutory and non-statutory complaints which were rejected on 8-5-2008 and 16-12-2008 respectively. Thereafter, the applicant filed another statutory complaint on 26-12-2009 after obtaining some relevant and useful information through RTI regarding actual date of holding of No.1 Selection Board etc. and vacancy availability but no reply was received and therefore, he was obliged to file this Original Application before the Principal Bench of the AFT praying for quashing of the rejection orders of the statutory complaint of the applicant and for a direction upon the respondents to ante-date his seniority and promotion from the date, respondent No.4 was promoted to the said rank of Maj Gen with all consequential benefits.

6. The official respondents have contested the application by filing a reply affidavit in the Principal Bench itself which is on record. The said respondents have not disputed the facts as averred in the application. It is submitted that the applicant belonged to 1973 batch. It is also submitted that Intelligence Corps of the Army is a minor Corps and only appointments of two major generals are authorised for this Corps. It is also admitted that during the relevant period of time, one vacancy was to occur due to retirement of Major Gen Jaspal Singh on 1-12-2006 and another on 1-12-2007, i.e. due to impending retirement of Maj Gen V.K. Bhutani. It is submitted that the No.1 Selection Board for 1973 batch was tentatively scheduled to be held in October 2006 to fill-up one vacancy which would occur on 1<sup>st</sup> December, 2006 consequent on retirement of Maj Gen. Jaspal Singh. As per existing policy the vacancies in Intelligence Corps were calculated on the basis of retirement and likely promotion during the 12 months from exhaustion of the previous panel. It is also stated that Brig G.K.B. Nair of 1971 batch was empanelled by No.1 Selection Board held in April 2005. However, due to his low medical category, which was not an acceptable promotable category, he, i.e. Brig Nair could not be promoted. This vacancy was utilised for the next batch, i.e. 1972 batch. Since the selection board for 1973 batch was scheduled in October 2006, anticipated vacancy occurring during the next 12 months was calculated which was only one that would be available on retirement of Maj Gen Jaspaul Singh, i.e. on 1<sup>st</sup> December, 2006. So far as Maj. Gen. Bhutani is concerned he would retire on 1-12-2007 and therefore it was beyond 12 months' period counting from exhaustion of the previous panel. Hence only one vacancy was allotted for 2006 selection Board. It is further explained that if the vacancy which would arise consequent on retirement of Brig Bhutani on 1-12-2007, would have been counted and allotted to 1973 batch, then there would not have been any vacancy for the next batch, which would be unjust for the officers of the next

batch. The applicant was considered along with two other eligible officers by No.1 Selection Board in 2006, the meeting of which was deferred to 13-12-2006, due to administrative reason and respondent No.4 was approved and was accordingly promoted. However, the case of the applicant and another was considered in the next selection held in March 2007 as a first review case and the applicant was approved and was promoted to the rank of Maj Gen. It is further contended that the respondent authorities have not violated the existing policy, i.e. Policy dated 30-9-1998 (Annexure R1) and dated 29-3-2004 (Annexure R2) and no injustice was caused to the applicant. It is further stated that there was no reason for showing favour to respondent No. 4 and disfavour to the applicant in any manner. It is further stated that both his statutory complaint and non-statutory complaint have been considered by the competent authority but were rejected having no merit. They have therefore prayed for rejection of the application.

7. Respondent No. 4 has not entered appearance before this Tribunal at all although notice was issued by the Principal Bench itself when the case was transferred to this Bench and subsequently, on transfer, by this Registry as per direction of the Court. Despite receipt of such notice, he did not care to appear either in person or through his Id. advocate. However, he filed a reply statement contesting the application before the Principal Bench itself which is on record. We have taken into account the averments made in the said counter affidavit.

8. The applicant has filed separate rejoinders to both these replies and reiterated his contentions as have been raised in the application.

9. The applicant has appeared in person and argued his own case. Mr. M.K. Goswami, the learned Counsel appeared on behalf of the official respondents. The applicant after the conclusion of the oral arguments has also filed a separate note of arguments.

10. During the course of argument the only point that has been emphasised by the applicant is with regard to allotment of vacancy for promotion to the rank of Maj Gen for 1973 batch. His main contention is that discrimination was made in the allotment of vacancies for 1973 batch, i.e. the batch to which the applicant belonged. According to him for 1971, 1972 and 1975 batches, 100% promotion was granted, that means, equal number of vacancies were allotted for equal number of candidates in the field. As a result all the persons in the zone of consideration got promotion. So far as 1973 batch is concerned there was utter discrimination because against three candidates only one vacancy was allotted, i.e. 33% as against 100% in the case of earlier batches. As a result, he could not get promotion. He has not however challenged the selection of respondent No.4. His only contention is that had another vacancy i.e. vacancy occurring on 1.12.2007, been allotted for this 2006 selection, which could have been done easily, he could have got promoted along with respondent No.4 and remained senior carrying his original batch seniority. His seniority in the rank of Maj Gen had to be depressed because he was approved as a review case as per rules. He has emphasised that in fact, two vacancies were there but the respondents purposely withheld one vacancy and allotted it for the next batch, i.e. 1974 batch only to favour the respondent No. 4.

11. In his written notes, the applicant has mainly contended that there was no declared policy regarding allotment of vacancy in the Intelligence Corps being considered as "minor corps". He has further pointed out that the policy of 2010 relied upon by the respondents

cannot be applied in his case as his promotion was considered in 2006-2007. His further contention is that in the absence of any policy, a leeway for manipulation and nepotism has been sought to be retained. He has also contended that respondent No. 3 has always favoured respondent No. 4 and keeping in view that the applicant could not become Lt. Gen. one vacancy was withheld to delay the promotion of the applicant. Even after his promotion subsequently, the said respondent No. 3 caused allocation of vacancy of Lt. Gen. for Int. Corps having been shifted from April 2010 to April 2011 so that in the meantime, the applicant would retire in Aug 2010 and his chance for consideration for the apex rank of Lt. Gen is eliminated. He has also called in question the stand of the respondent that the anticipated vacancy that would have been available on retirement of Maj Gen Bhutani on 1.12.2007 was set apart from 1974 batch. But, according to the applicant, in fact there was no eligible officer for 1974 batch for such consideration for promotion to the rank of Maj Gen. Therefore; the respondents could very well have allotted this vacancy for 1973 batch. But to stall or delay the promotion of the applicant, this was purposely done so that he may not stall the chances of Respondent No 4 for next promotion to the rank of Lt Gen, as admittedly the applicant was senior to him.

12. The learned counsel for the respondents has contended that it is not the case of the applicant that he was not considered in the promotion board. Consideration for promotion is a right of an employee but not the promotion. Promotion is given only after the concerned selection board recommends and according to availability of vacancy. He has submitted that vacancy was correctly allotted. Since respondent No.4 was found to be more meritorious he was granted promotion. He has further clarified that No.1 Selection Board is headed by Chief of Army Staff with the VCOAS and Army Commanders as members. The



meeting is generally fixed when all these members are available at the venue of the meeting. The selection board for 1973 batch was originally scheduled to be held in October, 2006 but due to unavoidable circumstances the same was deferred by about 2 months and was actually held on 13-12-2007. The vacancy was calculated for 12 months starting from exhaustion of the last panel. The vacancy on which the applicant has made much emphasis i.e. the retirement vacancy of Brig Bhutani, which would arise on 1<sup>st</sup> December 2007, was beyond 12 months period from the date of exhaustion of the last panel. Hence that vacancy could not be allotted for 1973 batch as in that event the officers of next batch would have been deprived. The learned counsel has submitted that there is no merit in the claim of the applicant and hence the application should be dismissed.

13. We have given our anxious consideration to the facts of the case and various documents produced before us. We have also gone through the original board proceedings and also departmental file relating to the case of the applicant.

14. The only grievance that the applicant has raised is with regard to allotment of vacancy and non formation of a panel. According to him, there was no policy on the subject as a reason of which, the respondent authorities most arbitrarily and whimsically or rather purposely, to benefit respondent No. 4, did not allot the vacancy that would have been available on 1.12.2007, within the 12 months from the date of holding of No. 1 selection Board i.e. on 13.12.2006.

15. It is pertinent to mention here that when the case (OA 499/2010) was initially filed before the Principal Bench of AFT, New Delhi, it was dismissed in limine on 26.8.10 against which the applicant moved the Hon'ble Delhi High Court by filing WP(C) 744/2011. The Hon'ble High Court vide its order dt. 7.2.11 restored the original application by setting aside

the aforesaid order of the Principal Bench of AFT. It will be useful to quote the relevant portion of the said order as under:-

“3. Facts to be noted are that as per the petitioner there were two anticipated vacancies when the Selection Board met on 13.12.2006 and had a selected panel being prepared for the said two posts, the petitioner and respondent No. 4 would have been in panel and since petitioner was senior to respondent No. 4, he would have earned promotion against the first vacancy and that would have made him eligible for further promotion to the rank of Lt. General.

4. **To put it simply, according to the petitioner he was not questioning the merit selection of respondent No. 4 but was questioning a panel of only one person being prepared and stated that he has been adversely impacted on account of a panel of two persons not being drawn up.**

5. Needless to state an issue arises for consideration which requires reasons to be recorded for its adjudication and not a disposal in liminie.

6. We clarify that we have noted the issue which was projected by the petitioner to only bring home the point that the issue required adjudication with reason and not a dismissal in liminie, without any reason.

7. We dispose o the writ petition setting aside the impugned order dated 26.08.2010 and restore OA 499/2010 with a direction to the armed Forces Tribunal that howsoever brief may be reasons recorded, the OA be disposed of with reasons. “

16. Keeping in view the above observations and issue raised by the Hon’ble Delhi High Court in this case, we may now examine the main contention made by the applicant i.e. allotment of vacancy of Maj Gen for Intelligence Corps at the relevant point of time. According to the respondents, Intelligence corps is a “minor corps” and is authorised two appointments of Maj Gen. The vacancies are calculated on the basis of retirement and likely promotion/posting in a period of 12 months from exhaustion of the previous panel. The No. 1 SB for 1973 batch i.e. applicant’s batch was actually held on 13.12.2006 though it was tentatively fixed in Oct 2006. Only one vacancy that was anticipated within the next 12 months was that of retirement vacancy of Maj Gen. Jaspaul Singh. The vacancy that would

cause due to retirement of Maj Gen. Bhutani on 30 Nov 2007 was beyond 12 months period and therefore, that vacancy could not be taken into account, rather that would go to the next batch i.e. 1974 batch.

17. Reference has been made to the Vacancy Based Selection System, which was introduced on 30 Sep 1998 (annexure-R1 to the additional counter affidavit verified on 13<sup>th</sup> Apr 2011). Relevant portion is extracted below:-

**“10. Vacancy Calculation.** - Vacancies are to be calculated for a block of three years. Suitable reserves are built in at initial stages. This ensures the following:

- a) Broader base for vacancy availability, thus catering the uneven intake and retirement patterns.
- b) Large vacancies cater for uneven batch merit.
- c) Approval percentages remain stable, thus circumventing most of the drawbacks of existing system.

**11. Vacancy Allocation.** - Based on the vacancy availability and desired approval percentages, pro rata share of vacancies is distributed amongst the batches to be considered in the block. Hence each officer carries his pro rata share, thus also catering for 'Deferred/Withdrawn' cases.

**12. Scheduling of Batches.** - Batches are scheduled over a block of three years, thus ensuring much better officer management.

**13. Parameters for Calculation of Vacancies:**

- a) Intake pattern of each batch over the block of three years.
- b) Retirement pattern.
- C) Chain/in situ promotion.
- d) Likely numbers for premature retirements.
- e) Likely members to be considered as Special Review (Fresh) cases.
- f) Unforeseen eventualities like causalities, new raising etc.

Next policy letter that was referred to is dated 29<sup>th</sup> March 04 is at annexure-R2. Relevant portion is quoted below:-

- a) Vacancy Related Selection System had been institutionalised in 1998 for better career management of offrs. The main features of the system are enumerated in the succeeding paragraphs.
- b) **Vacancy calculation.** Vacancies are calculated for a block of three years. This ensures the following :
- i) Broader base for vacancy availability, thus catering for uneven intake and retirement patterns.
  - ii) Caters for uneven batch str over a block of three years.
  - iii) Approval percentages remain stable for the entire block.
- c) **Parameters for Calculation of PRV (Pro-rata Vacancies).** The following aspects are taken into consideration when calculating PRV :
- i) Vacancies arising in a three yr block period for a particular Arm/Service.
  - ii) Total str of the batches to be considered in the three yr block.
- d) Vacancies arising for a three yr block period are worked out by Cont Gps. Factors taken into account are :
- i) Intake pattern
  - ii) Retirements
  - iii) Chain vacancies
  - iv) PMR
  - v) Approvals as Special Review Cases
- e) .....
- f) .....
- g) **Vacancies allocation.** Pro-rata share of vacancies are distributed amongst the batches to be considered in the block. Allocation of Pro-rata share of vacancies provides for Deferred/Withdrawn cases. Special Review cases are considered on their own merit, with comparative batch profile. Special review approvals are adjusted in the subsequent block..."

The respondents have also referred to another policy letter dated 19<sup>th</sup> February, 2010 at annexure-R2. Relevant portion is reproduced below:-

**“Minor Corps.** The block method of calculation of vacancies is not applicable to minor corps due to low batch strength and limited accrual of vacancies. The vacancies for minor corps are worked out based on functional requirements and are mainly dependent on the actual retirement/chain promotions.”

18. It is thus apparent that calculation of vacancies for selection boards was reconsidered and a revised policy was introduced by MS Branch policy letter dt. 19 Feb 2010

by which rolling block model for determining pro rata vacancy (PRV) was introduced and for the first time the concept of 'minor corps' has been announced. It is stated that for 'minor corps' resultant promotion or retirement vacancy as worked out as per functional requirement is only to be allotted. There is, however, no criteria fixed as to what are the minor corps and what would be the cut off personnel strength of the corps that would be categorised as 'minor corps'. In the absence of any definite policy in this regard, it is always possible to divert vacancy earmarked for a particular Corps to another corps as per discretion of the authorities causing prejudice to the eligible candidates of such so called 'minor corps'. However, the applicant's case was considered in 2006 when this 'minor corps' concept was not pronounced through the ibid policy letter of 2010. In that event, the earlier policy of allotment of vacancy for a block of three years would be applicable. No policy was also brought to our notice which states that only 12 months anticipated vacancies from the date of exhaustion of previous panel would only be considered and allotted for a particular batch. In fact, based on this particular plea the respondents have set apart the vacancy of Brig Bhutani for 1974 batch instead of allotting it to 1973 batch knowing fully well that there would be no eligible officer available as fresh case from 1974 batch.

19. The respondents 1 to 3 have filed an additional reply statement which was verified in Oct 2011 (no date) wherein they have enclosed two statements at annexure-R1 and R2 to indicate vacancy positions and persons selected for 1971 onward batches, the No. 1 SB for which was held from Oct 2004 onwards. We have carefully perused these two statements.

The following position emerges:-

**1971 batch:** SB was held on 6.10.2004. There was one retirement vacancy of Maj Gen Amrik Singh, who retired on 31.12.03. Two officers were considered and Brig. V.K.Bhutani was

selected. But he could not be promoted due to low medical category. Therefore, the vacancy remained unfilled.

**1972 batch:** SB was held on 1.4.2005. Two vacancies were available – one carried forward vacancy of Maj Gen Amrik Singh against which Brig Bhutani was approved but could not be promoted due to LMC. Another vacancy occurred on 1.4.2005 due to retirement of Maj Gen V.K.Joshi. Two officers were considered viz. Brig. GKB Nair and Brig Jaspaul Singh and both of them were approved. But Brig. G.K.B.Nair could not be promoted due to LMC. However, in the meantime, Brig. Bhutani was medically upgraded and was promoted on 8.6.05 against one of the two vacancies. The other vacancy went to Brig. Jaspaul Singh.

**1973 batch:** SB was held 12.12.2006. One vacancy was available due to retirement of Maj Gen Jaspaul Singh on 1.12.2006. There were three candidates including the applicant, respondent No. 4 and Brig. P.S.Bora. Brig JDS Rawat (respondent NO. 4) was approved and promoted. Applicant and Brig P.S.Bora were not approved.

**1974 batch:** No officer (fresh) available. No SB held

**1975 batch:** SB held in Aug 2007. One vacancy was available due to retirement of Maj Gen. V.K.Bhutani on 01.12.07. Three officers i.e. the applicant and Brig P.S.Bora from 1973 batch (first review) along with one officer from 1975 fresh candidate were considered and the applicant was approved and promoted. Brig. G.K.B.Nair even though approved earlier could not be promoted due to LMC and he retired on 31.1.2008.

20. We, however, notice that the applicant and Brig Bora of 1973 batch, who could not be approved earlier, were considered as first review case along with 1975 batch fresh candidate which is irregular because the first review cases of 1973 batch are automatically

considered as 1974 batch after depression of seniority with the revised reckonable seniority for promotion as 1973 batch as per rules. They ought to have been considered with next batch i.e. 1974 batch because their reckonable seniority then stood as 1974. According to rules, when a person is not approved in a selection, he loses seniority by one year i.e. he ought to be considered along with the next batch; because the field of choice is extended by bringing into the field junior person resulting in senior being compared with junior. This is totally irregular and illegal as also against the policy of the Govt. This Bench has given a detailed order on this issue in R.K.Tripathi's case (vide order dt. 1.4.14 in OA 121/12). However, since the applicant has been approved in first review, we need not interfere with the selection. But we make this observation by making it very clear that had the fresh candidate from 1975 batch been selected, then certainly we would have interfered and quash the selection process. Since nobody is affected, we need not take any judicial notice on this issue at this stage, especially when the applicant was selected; also retired after enjoying promotion as Maj Gen.

21. We have also gone through the departmental records including the board proceedings. We find that the noting was initiated much before and two retirement vacancies were indicated. It was suggested that the SB meeting may be held in Oct, 2006. This proposal was approved by the competent authority. There are other file noting from which it appears that the meeting could not held in Oct 2006 because of stay order granted by the Hon'ble Delhi High Court in another matter and it was only after the said interim order was vacated by the Hon'ble Supreme Court that the promotion meeting could be held on 13.12.2006. By that time one vacancy occurred on 1.12.06. Therefore, selection was made against this vacancy. It is of course true that one vacancy i.e. retirement vacancy of

Maj Gen. V.K.Bhutani would be available from 1.12.2007, but at the same time it is to be borne in mind that Brig G.K.B.Nair of 1972 batch i.e. senior to the applicant was already approved but could not be promoted for being in low medical category. If the vacancy of Maj Gen. Bhutani would also have been considered and set off by selection of the applicant or any other person, then Brig Nair would be deprived of his promotion in the event of his medical up-gradation, more so, because then the next vacancy would occur only in 2010. 1975 batch would also have suffered. All these factors must have weighed upon the respondent authorities for allotting only one vacancy of Maj Gen for the 1973 batch Intelligence Corps. We find it quite reasonable and rational action by the MoD/MS Branch and no other malice can be attributed. Therefore, by not allotting the retirement vacancy of Maj Gen. Bhutani occurring on 1.12.2007, in our view, no injustice was done to the applicant; rather the respondents have tried to solve the situation in a balanced way. In our considered opinion no prejudice was caused to the applicant in any manner.

22. Considering the matter from all angles, we find no merit in this OA which stands dismissed. No costs.

23. Let original records be returned to the respondents on proper receipt,

24. Let a plain copy of the order duly countersigned by the Tribunal Officer be furnished to both parties on observance of due formalities.

**(LT. GEN. K.P.D.SAMANTA)**  
**MEMBER (ADMINISTRATIVE)**

**(JUSTICE R.N.RAY)**  
**MEMBER (JUDICIAL)**