

Notes of the  
Registry

## Orders of the Tribunal

### ARMED FORCES TRIBUNAL, REGIONAL BENCH, GUWAHATI

1.

OA-18/2023

Lt Col RD Sharma

..... **Applicant**

By legal practitioners for  
Applicant.  
AR Tahbildar

**-Versus-**

UOI & Others.

..... **Respondents**

By legal practitioner for  
Respondents.  
PJ Barman

CORAM:

HON`BLE MR. JUSTICE SUDHIR MITTAL, MEMBER (J)  
HON`BLE AIR MSHL BALAKRISHNAN SURESH, MEMBER (A)

ORDER

10.10.2023

The applicant is aggrieved because he has not been cleared for promotion to the rank of Col (TS). Statutory complaint against non-recommendation for promotion has been rejected primarily on the ground of his overall service profile, relative merit and comparative evaluation.

From the records it transpires that sometimes in the year 2010, some irregularities in handling of regimental funds were committed leading to initiation of disciplinary proceeding against the Commanding Officer as well as the applicant. The proceeding against the applicant

could not fructify as he was granted relief by Regional Bench of Armed Forces Tribunal, Chennai.

The Commanding Officer was court martialled and certain statements made by witnesses during the same have been relied upon for awarding punishment of 'Severe Displeasure' to the applicant.

Statutory appeal against the said punishment is still pending.

Learned counsel for the applicant has submitted that the statements of the witnesses recorded during the General Court Martial could not have been used against the applicant as he had never got the opportunity to cross-examine the witnesses.

Notice. PJ Barman, learned counsel for the respondents accepts notice and submits that he may be granted some time to file reply.

Accepted. Reply to be filed within 06 weeks and rejoinder thereto be filed within 04 weeks thereafter.

Meanwhile, the respondents are directed to decide the statutory complaint dated 31.01.2022 within 8 (eight) weeks from the date of receipt of a certified copy of this order by the learned counsel for the respondents/OIC Legal Cell.

List the matter when this Bench meets next.

**(Air Mshl Balakrishnan Suresh)**  
**MEMBER(A)**

**(Justice Sudhir Mittal)**  
**MEMBER (J)**

Kk/gm