

Form No. 4  
{See rule 11(1)}  
ORDER SHEET

ARMED FORCES TRIBUNAL,  
REGIONAL BENCH, GUWAHATI

OA -29/2022 with MA-15/22

Ex-Hav KL Rockyngam Anal

..... Applicant  
AR Tahbildar  
Legal practitioner for Applicant

-Versus-

UOI & Others.

..... Respondents  
PJ Barman  
Legal practitioner for Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>CORAM</u></p> <p>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member(J) Hon'ble Air Mshl Balakrishnan Suresh, Member (A)</p> <p><u>ORDER</u></p> <p><u>03.04.2023</u></p> <p>Heard Shri A.R. Tahbildar, Ld. Counsel for the applicant and Shri P.J. Barman, Ld. Counsel for the respondents.</p> <p><u>M.A. NO. 15 of 2022</u></p> <p>This Original Application has been filed for the grant of 3<sup>rd</sup> Financial upgradation to the applicant in the rank of Naib Subedar.</p> <p>There is a delay of 01 month and 02days in filing of Original Application.</p> <p>For the reasons stated in affidavit filed in support of delay condonation application, delay in filing the Original Application is <b>condoned</b>. Delay condonation application stands disposed off.</p> <p><u>OA No. 29 of 2022</u></p> <p>It is submitted by the Ld. Counsel for the applicant that that applicant was enrolled in the Indian Army on 11.07.1988 and was discharged from service with effect from 31.07.20212 after rendering 23 years, 11 months and 08 days of service in Group 'Y'. Applicant had preferred a claim for the grant of 3<sup>rd</sup> Financial Upgradation after condoning shortfall of 22 days, but the same was denied vide Records The Kumaon Regiment letter dated 08.03.2022, a copy whereof has been filed as Annexure 'F' with the Original Application.</p> <p>It is submitted that shortfall of 22 days for grant of 3<sup>rd</sup> Financial upgradation to the rank of Naib Subedar is</p>

condonable in view of law laid down by the Armed Forces Tribunal, Regional Bench, Chennai in Original Application No. 108 of 2016, *Ex. Hav. M. Sankarraj Versus Union of India & Others*, decided on 23.11.20217.

On the other hand, Ld. Counsel for the respondents submitted that as per para 4 of Integrated Headquarters of Ministry of Defence (Army), AG Branch, New Delhi letter No. B/33513/ACP/AG/PS-2(c) dated 13.06.2011 individual are entitled financial upgradation at intervals 8, 16 and 24 years on continuous regular service. He further submitted that since applicant has completed only 23 years, 11 months and 08 days of regular service and less than 08 years in the rank of Havildar Group 'Y', therefore, his claim for the grant of 3<sup>rd</sup> Financial upgradation has been rightly rejected.

We have gone through the Judgment of Armed Forces Tribunal, Regional Bench, Chennai delivered in the case of *Ex. Hav. M. Sankarraj Versus Union of India & Others*, (Original Application No. 108 of 2016) decided on 23.11.20217, referred to above and are of the view that shortfall of 22 days in grant of 3<sup>rd</sup> Financial upgradation to the applicant in the rank of Naib Subedar is condonable.

Accordingly, Original Application is allowed and respondents are directed to consider the case of the applicant for the grant of 3<sup>rd</sup> Financial Upgradation to the applicant in the rank of Naib Subedar after condoning the shortfall of 22 days in view of law laid down by the Armed Forces Tribunal, Regional Bench, Chennai in Original Application No. 108 of 2016 within a period of eight weeks from today.

(Air Mshl Balakrishnan Suresh)  
Member (A)

(Justice Umesh Chandra Srivastava)  
Member (J)