

Promotion Stays, Even If Inquiry On - AFT

CHANDIGARH: The Armed Forces Tribunal (AFT) has ruled that the order of promotion once passed cannot be cancelled or kept in abeyance simply on the ground of some Pending inquiry.

In a judgment on Tuesday (March 31, 2020), it restored the rank of Honorary Lieutenant to petitioner Daljeet Singh, now retired from the Army, with all pay and pension benefits.

Daljeet Singh was granted the rank by the President vide a gazette notification on January 26, 2007. But on March 30, a day before his retirement, he was named in a disciplinary case by his Commanding Officer and awarded the punishment of severe reprimand. The grant of rank of honorary commission was recalled after two years on January 26, 2009.

He petitioned the AFT that he be granted the rank of Honorary Lieutenant along with the pay, allowances and pension benefits.

The judgment said, “The action of the CO of the unit, to which the petitioner (Daljeet Singh) belonged, was illegal, unjustified and arbitrary in denying the petitioner to assume his rank and wear badges. Similarly, the cancellation of grant of rank after- almost two years of retirement, without, giving any notice, is against the principle of natural justice and, therefore, must be quashed.”

The judgment commented, “It clearly shows ulterior motive of the CO, who instead of allowing the petitioner to assume charge arbitrarily got his promotion withheld. The proceedings (against Daljeet Singh) were finalized only a day before his discharge with the sole motive to deny the petitioner the benefit of rank of Honorary Lieutenant ...”

The Bench comprising Justice Ghanshyam Prasad and Lt Gen A.S. Bahia (retd) also relied on the J & K High Court’s decision in Gulia Padam Singh vs Union of India, which says that pendency of a case cannot be a ground for withholding the promotion. “In fact, keeping the order of promotion in abeyance on account of pending investigation or a criminal case would amount to imposing punishment on the petitioner the judgment said.

SOURCE-HT