

SEE RULE 102 (1)

ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOLKATA

APPLICATION NO. R. A. NO. 01/2019

(Arising out of O. A. No. 64/2018)

DATED :THIS *Eight* DAY OF MARCH, 2019

CORAM

HON'BLE DR. (MRS.) JUSTICE INDIRA SHAH, MEMBER (JUDICIAL)

HON'BLE LT GEN GAUTAM MOORTHY, PVSM, AVSM, ADC, MEMBER (ADMINISTRATIVE)

APPLICANT (S) : MR-O5378 Brig R Girish (AMC)  
Command Hospital  
Eastern Command  
Alipore  
Kolkata – 700 027

**Versus**

RESPONDENT(S) : (1) The Union of India, service through  
The Defence Secretary  
Ministry of Defence  
South Block, DHQ, PO,  
New Delhi – 110 011

(2) The Chief of the Army Staff  
Army Headquarters  
Integrated HQ of MoD (Army)  
DHQ PO, New Delhi – 110 011

(3) The Director General of Armed Forces  
Medical Services,  
Directorate General of Armed Forces  
Medical Services,  
Ministry of Defence  
South Block, New Delhi – 110 011

(4) The Director General of Medical  
Services(Army)  
Adjutant General's Branch  
Integrated HQ of MoD (Army)  
'L' Block, New Delhi – 110 -11

Counsel for the Applicant(s) : Mr. S. K. Choudhury, Ld. Advocate

Counsel for the Respondent(s) : Mr. Satyendra Agrawal, Ld. Advocate

**ORDER**

**PER LT GEN GAUTAM MOORTHY, PVSM, AVSM, VSM, ADC, MEMBER (ADMINISTRATIVE)**

1. This Review Application u/s 14 (4) (F) of AFT Act 2007 read in conjunction with Rule 18 (1) of AFT (Procedure) Rules, 2008 to review the order of this Bench dated 7<sup>th</sup> December 2018 in OA 64/2018 is taken up for order.
2. Paras 10 to 13 of the O. A are set out as under:

*“10. We have perused all the CRs of the officer during the reckonable period. It is observed that the officer has been consistently graded Above Average to Outstanding in all his reports. We confirm that there is no aberration whatsoever in his reports for the period under review which have been assailed by the applicant.*

*11. During the first SB of the officer which held on 20.11.2013, it is confirmed that out of total 165 officers, 50 officers were selected and the merit position of the applicant was at Ser. No. 59. In the next Selection Board which was held on 26.11.2014; 130 officers were considered and of whom 28 only were selected for the rank of Brigadier. The applicant's merit was at Ser. No. 41.*

*12. It is observed that despite obtaining excellent reports, the applicant was not selected for the rank of Brigadier in the first two SBs being lower down in the order of merit. It is further reiterated that none of the CRs of the officer require any interference as they contain Outstanding / Above Average Gradings. The applicant's apprehensions are misplaced and no injustice has been done to him.*

*13. Accordingly, this O. A. (O. A. No. 64/2018) deserves to be dismissed and dismissed.”*
3. Vide Review Application, Para 12 and 13 have been assailed by the applicant quoting order XLVII of CPC as well as Article 14 of the Constitution.
4. However, we find no error apparent on the face of the record in our judgment. Neither we find any sufficient reason to review the judgment.
5. This Review Application is accordingly dismissed and disposed of.
6. No order as to cost.

7. Original documents held, if any, to be returned to the Respondents by the Registry on proper receipt.

8. Let a plain copy of this order, duly counter-signed by the Tribunal Officer, be supplied to all the parties upon observance of requisite formalities.

(LT GEN GAUTAM MOORTHY)  
MEMBER (ADMINISTRATIVE)

(JUSTICE INDIRA SHAH)  
MEMBER (JUDICIAL)