

I.A. 1/2016 in Civil Appeal Diary No(s). 10627/2016

NARINDER KUMAR BHURI

Appellant(s)

VERSUS

UNION OF INDIA AND ORS

Respondent(s)

(for leave to appeal u/s 31(1) of the armed forces tribunal act, 2007)

WITH

C.A. D 10625/2016

(With appln.(s) for leave to appeal u/s 31(1) of the armed forces tribunal act, 2007 and Office Report)

Date : 01/08/2016 These applications were called on for hearing today.

CORAM :

HON&#39;BLE THE CHIEF JUSTICE

HON&#39;BLE MR. JUSTICE A.M. KHANWILKAR

HON&#39;BLE DR. JUSTICE D.Y. CHANDRACHUD

For Appellant(s)

Mr. K.V. Vishwanathan, Sr. Adv.

Mr. Sukant Vikram, Adv.

For Respondent(s)

Mr. P.S. Patwalia, ASG

Mr. Vijay Prakash, Adv.

Mr. Shailender Saini, Adv.

Mr. S.N. Terdal, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Mr. P.S. Patwalia, learned Additional Solicitor General submits that according to the policy framed by the Government of India and upheld by the Tribunal as also by this Court on the judicial side Commanders by Time Scale were entitled to be promoted to the next higher rank of Captain by Time Scale only after all the Commanders (Select) and Acting Commanders who figure higher in seniority than the petitioners stood promoted to the next rank of

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Captain. He submits that according to the instructions although the petitioners and similarly situated other officers have completed their 26 years of service required for promotion as Captain by Time Scale, they have not been promoted to the rank because all officers holding the rank of Commanders by Selection and Acting Commanders have not yet been promoted to the next higher rank of Captain Select or Captain by Time Scale.

He seeks a short adjournment to place the above position on affidavit and also indicate the number of officers who are still waiting for promotion as Captain by Time Scale or Captain Select on the basis of their seniority. He may do the needful within four weeks. Mr.K.V.Vishwanathan, learned senior counsel for the petitioners is permitted to file his objections to the affidavit to be filed on behalf the respondents if so advised within two weeks thereafter.

List after six weeks.

(Ashok Raj Singh)

Court Master

(Veena Khara)

Court Master