

**ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOCHI**

**O.A. NO.149 of 2015**

**TUESDAY, THE 24TH DAY OF NOVEMBER, 2015/03RD AGRAHAYANA,1937**

**CORAM:**

**HON'BLE MR. JUSTICE S.S.SATHEESACHANDRAN, MEMBER (J)  
HON'BLE VICE ADMIRAL M.P.MURALIDHARAN, AVSM & BAR, NM, MEMBER (A)**

**APPLICANT:-**

**R.VENUGOPAL, SUBEDAR, JC-330549F,  
AGED 47 YEARS, HQ 137 WORKS ENGRS,  
PIN – 914137, C/O 99 APO.**

**BY ADVS. SRI.V.K.SATHYANATHAN & JOHN T PAUL.**

**VERSUS**

**RESPONDENTS:-**

- 1. UNION OF INDIA, REPRESENTED BY THE SECRETARY  
TO THE GOVERNMENT, MINISTRY OF DEFENCE  
NEW DELHI – 110 001.**
- 2. THE CHIEF OF THE ARMY STAFF,  
ARMY HEADQUARTERS,  
NEW DELHI – 110 001.**
- 3. OIC RECORDS, RECORD OFFICE,  
MADRAS ENGINEER GROUP,  
PIN – 900 493, C/O 56 APO.**
- 4. GARRISON ENGINEER (MAINT) AF,  
MILITARY ENGINEER SERVICES,  
JALAHALLI, BANGALORE - 13**
- 5. CWE, HQ 137 WORKS ENGRS,  
PIN – 914137, C/O 99 APO.**

**BY ADV.SRI.TOJAN J VATHIKULAM, CENTRAL GOVERNMENT COUNSEL**

**ORDER**

**S.S.SATHEESACHANDRAN, MEMBER(J)**

Applicant, a serving soldier has filed the O.A. aggrieved by the denial of his promotion. He has a case that his seniority was not taken into account while denying him due promotion and his claim was overlooked extending promotion to his juniors. Noticing that the applicant has not impleaded his juniors who are stated to have been promoted, we raised a query to the counsel how the application is maintainable without impleading the above juniors as respondents in the O.A.

2. Learned counsel for the applicant requested for adjourning the hearing on admissibility of O.A. to January 2016 submitting that he had applied for getting information from the authorities particulars of his juniors who have been promoted. We are not impressed with the submissions made for adjournment, that too, over admissibility of the O.A. when it is prima facie shown that the application is not entertainable without impleading the juniors of the applicant who were already promoted. We also notice that grievances of the petitioner await consideration by the authorities, as disclosed by Annexure A-7 produced with the O.A. That would also indicate that the application is premature.

3. Without prejudice to the right of the applicant to move afresh for the reliefs canvassed on the same cause of action, the application deserves only to be dismissed.

4. Subject to the observations made the application is dismissed as not admitted.

**VICE ADMIRAL M.P.MURALIDHARAN     JUSTICE S.S.SATHEESACHANDRAN,**  
**MEMBER (A)     MEMBER (J)**

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