

**FIFTH REPORT
COMMITTEE ON PETITIONS
(SEVENTEENTH LOK SABHA)**

**MINISTRY OF DEFENCE
(DEPARTMENT OF MILITARY AFFAIRS)**

(Presented to Lok Sabha on 17.9.2020)



**LOK SABHA SECRETARIAT
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COMPOSITION OF THE COMMITTEE ON PETITIONS

(2019-20)

Dr. Virendra Kumar - *Chairperson*

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3. Shri Sukhbir Singh Badal
4. Shri Harish Dwivedi
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3. Shri G. C. Dobhal - Additional Director
4. Shri Harish Kumar Sethi - Executive Officer

FIFTH REPORT OF THE COMMITTEE ON PETITIONS

(SEVENTEENTH LOK SABHA)

INTRODUCTION

I, the Chairperson, Committee on Petitions, having been authorised by the Committee to present on their behalf, this Fifth Report (Seventeenth Lok Sabha) of the Committee to the House on the Representation of Smt. Suman Dudee forwarded by Shri Rajendra Agrawal, M.P., Lok Sabha alleging injustice to her spouse, Colonel (TS) (Retd.) Ran Singh Dudee by denying him consequential benefits and other important issues related therewith.

2. The Committee considered and adopted the draft Fifth Report at their sitting held on 27 August, 2020.

3. The observations/recommendations of the Committee on the above matters have been included in the Report.

NEW DELHI;

DR. VIRENDRA KUMAR,
Chairperson,
Committee on Petitions.

27 August, 2020

5 Bhadrapada, 1942 (Saka)

REPORT

REPRESENTATION OF SMT SUMAN DUDEE FORWARDED BY SHRI RAJENDRA AGRAWAL, M.P., LOK SABHA ALLEGING INJUSTICE TO HER SPOUSE, COLONEL (TS) (RETD.) RAN SINGH DUDEE BY DENYING HIM CONSEQUENTIAL BENEFITS AND OTHER IMPORTANT ISSUES RELATED THEREWITH.

Shri Rajendra Agrawal, M.P., Lok Sabha forwarded a representation of Smt. Suman Dudee regarding injustice to her spouse, Colonel (TS) (Retd.) Ran Singh Dudee by denying him consequential benefits and other important issues related therewith **(Annexure-I)**.

2. The representationist, Smt Suman Dudee, in her representation *inter alia* stated that her spouse, Colonel (TS) (Retd.) Ran Singh Dudee had filed a statutory complaint on 22.10.2003 under Section 27 of the Army Act, 1950 against the illegal and mala fide actions of the superior Authorities which was to be decided by the Statutory Authority, i.e., the Ministry of Defence.
3. It has been further submitted that despite the pendency of the statutory complaint, superior officer of her spouse had hidden the fact about the complaint from the Government with *mala fide* intentions and illegally forced him to face the trial in General Court Martial (GCM). During the GCM proceedings, at the initial stage, her spouse had filed an application dated 18.11.2004, Special Plea to the Jurisdiction under Section 51 of the Army Act, 1950, requesting the incompetence of the Court Martial to proceed unless the statutory complaint is decided. Subsequently, her spouse was convicted and sent to jail for two and a half year. After coming out of the jail, he filed a Writ Petition No.15501/2005 before the High Court of Madhya Pradesh at Jabalpur against the GCM proceedings to be annulled being illegal and unjust which was, however, disposed of *vide* Order dated 2.1.2006 directing him to exhaust other remedies and also directing the respondents to grant personal hearing to her spouse. Further, on finding no response, he preferred a Writ Petition No. 4681/2008 in the High Court of Delhi which was transferred to Armed Forces Tribunal (AFT), Kolkata. However, before the decision of the AFT, her spouse was asked for the clarification on the respective rank which was replied to by him on 25.10.2013. The pending statutory complaint of Colonel (TS) (Retd.) Ran Singh Dudee was decided *vide* Orders of the Ministry of Defence dated 20.11.2013 which annulled the proceedings of the GCM being illegal and unjust with all consequential benefits as per rule on the subject. However, these orders are yet to be implemented.

4. The representationist, therefore, requested the Committee on Petitions to take action for grant of all the consequential benefits such as promotion, compensation and restoration of honour, etc., to her spouse Colonel (TS) (Retd.) Ran Singh Dudee to ensure justice.

5. The Committee on Petitions took up the representation for examination under Direction 95 of the Directions by the Speaker, Lok Sabha. Accordingly, the representation received from Smt Suman Dudee was forwarded to the Ministry of Defence (Department of Military Affairs) for furnishing their initial comments on the issues raised therein.

6. In response thereto, the Ministry of Defence (Department of Military Affairs) vide their Office Memorandum No.7(10)/2018-D(AG)/DMA (Legal) dated 13 February, 2020 *inter alia* informed the following:-

- (i) *IC-47908F Colonel (TS) (Retd.) Ran Singh Dudee was commissioned in the Indian Army on 11.06.1988. The officer was tried by GCM on four charges, w.e.f., 19.10.2004 to 16.05.2005 and found him 'Guilty' of the first charge for such an offence as is mentioned in clause (f) of Section 52 of the Army Act, with intent to defraud and the third charge for an act prejudicial to good order and military discipline and sentenced him to be cashiered and to suffer rigorous imprisonment for three years. The competent disciplinary authority confirmed the findings on the first, second and fourth charge(s) but did not confirm the findings on the third charge. The sentence awarded by GCM was confirmed with remission of six months out of three years rigorous imprisonment. The Post confirmation petition submitted by Major Ran Singh Dudee in January 2006 under Section 164 of Army Act was rejected by Ministry of Defence vide Order dated 23.06.2006. Later, the officer filed a Petition for annulment of GCM proceedings under Section 165 of Army Act.*
- (ii) *In August 2006, 1988 Batch officers of the Army Ordnance Corps were considered by No. 3 Selection Board for promotion to the rank of Colonel as per the policy, wherein, 17 officers out of 106 officers were empanelled based on their overall profile and comparative merit against the available vacancies. Major Dudee was not considered by the Board as he was imprisoned.*
- (iii) *The officer also filed a WP No. 4681/2008 in Delhi High Court praying for quashing of GCM proceedings. The WP was transferred to AFT (RB) Kolkata Bench as TA No. 84/2011. In its interim order dated 26.03.2012, the Hon'ble AFT ordered the respondents to take a decision on representation dated 7.7.2007 of the applicant and to inform the Tribunal that the said petition has been examined*

along with the proceedings of GCM. Accordingly, Ministry of Defence considered the petition of the officer and based on the opinion of Ld. Solicitor General, annulled the findings and proceedings of GCM dated 16.05.2005 and confirmation order dated 21.10.2005 being time barred, illegal and unjust and allowed the petition filed by Major Ran Singh Dudee of 36 Infantry Division Ordnance Unit. It has been mentioned in the Order that he is entitled to all consequential benefits, as admissible, under Rules on the subject **(Annexure-II)**.

- (iv) The officer was reinstated in service, w.e.f., 13.01.2014 and granted full pay of his rank and all benefits as per Rules. He was also promoted to the rank of Lieutenant Colonel retrospectively, w.e.f., 16.12.2004 and subsequently, the officer was granted the rank of Colonel by Time Scale on 30.06.2015 on completion of 26 years reckonable commissioned service. Grant of Time Scale unlike Selection Grade rank is not based on vacancies. He was considered by Selection Board No. 3 in April 2016 for promotion to the rank of Colonel by selection applying the same policy and criteria as applied to his original Batch considered in 2006. However, he was not empanelled based on his overall profile and comparative merit.
- (v) The officer filed OA 260 of 2016 at AFT (RB) Lucknow seeking inter alia promotion to the rank of Brigadier and consequential benefits which was allowed on 17.01.2017. Civil Appeal No. 11009 of 2017 was filed by UOI on 01.02.2017 and Hon'ble Court was pleased to stay the operation of impugned Order dated 17.01.2017 on the condition that UOI shall take a decision on the promotion of the officer to the rank of Colonel, within a period of two weeks, in accordance with law. In the meantime, the officer retired from service on 02.02.2017 on attaining the age of superannuation. The officer, on retirement, has been granted re-employment at par with other officers. The UOI, in compliance of the Order of the Hon'ble Court, considered the officer for promotion to the rank of Colonel based on the same parameters as applied to his 1988 batch. However, based on the overall profile and comparative merit, the Special No. 3 Selection Board found the officer not fit and not empanelled for promotion.
- (vi) The officer filed OA No. 104 of 2017 before the Ld. AFT, Lucknow against impugned Non-Empanelment result. The Ld. Tribunal vide order 27.03.2017 allowed the OA setting aside the result of Special No. 3 Selection Board, directed fresh consideration of the officer keeping in mind the observations of the Tribunal that the officer is high in merit and also imposed cost of ₹5 lakhs on the Appellants for allegedly forcing the officer to litigate. UOI filed appeal in Supreme Court in December 2017 challenging order dated 27.03.2017 of AFT. Appeal filed

by UOI was allowed by Supreme Court vide order dated 03.07.2018 to set aside cost of ₹5 lakhs awarded to the respondent and quashed the judgement of AFT in toto. A list of court cases filed by Colonel (TS) (Retd.) Ran Singh Dudee with decisions/status thereon during January 2017. to January 2020 is, as under:-

Sl. No.	Dated	Case	Remark
1.	17.1.2017	OA No.260/2016 at AFT (RB) New Delhi (MS Matter for rank of Brigadier)	Case was listed on 17 January, 2017 and OA was allowed.
2.	25.1.2017	OA 29/2017 at AFT (RB) Lucknow (PS Matter) (To Prevent handing over of charge of Post as it would be lead to retirement)	OA was dismissed on 25 January, 2017 as not maintainable.
3.	May 2017	OA No.104/2017 at AFT (RB) Lucknow (MS Matter) for promotion to the rank of Brig.	OA allowed on 12 September, 2017 with the costs of Rs.5 Lakhs.
4.	10.8.2017	OA 03/2017 at AFT (RB) Lucknow Contempt Application in MS Matter	OA was dismissed on 10 August, 2017 as not maintainable.
5.	12.9.2017	OA 181/2017 inre OA 104/2017 at AFT (RB) Lucknow. Seeking compensation of ₹100 crore.	OA was listed for hearing on 12 September, 2017 and dismissed lack of merits.
6.	12.9.2017	CA No.07/2017 (inre 104/2017) at AFT (RB) Lucknow (MS Matter)	Contempt Application filed by the Officer was dismissed on 12 September, 2017.
7.	13.11.2017	MA No.1958/2016 in OA No.104/2017) for LTA at AFT (RB) Lucknow.	LTA was dismissed on 13 November, 2017.
8.	13.11.2017	Civil Appeal Diary No.33721/2017 at Supreme Court. For compensation of ₹100 crore to Baba Ramdev Trust.	SLP filed by the Officer was dismissed on 23 July, 2018.
9.	3.7.2018	Civil Appeal No.11009/2017 and Civil Appeal No. 5973/2018 filed by Union of India at Supreme Court against AFT Order for promotion to the rank of Colonel (Selection Grade).	SLP filed by Union of India allowed on 3 Jul 2018. Judgment dated 17 January, 2017 and 12 September, 2017 by AFT (RB) Lucknow

			set aside.
10.	29.10.2018	WP (C) No.1643/2018 filed by Officer at Delhi High Court. For compensation of ₹10 crore.	WP was listed on 29 October, 2018 and dismissed.
11.	14.3.2019	CWP No.11192/2018 at Delhi High Court. For benefits of entitlement of HRA and Transport Allowance.	CWP was listed on 14 Mar 2019 and dismissed as withdrawn.
12.	5.9.2019	CWP No.11643/2018 at Delhi High Court PS Matter for compensation of ₹10 crore (MS &DV).	CWP was listed on 5 September, 2019 and dismissed.
13.	12.9.2019	WP (c) No.12681/2018 Delhi High Court. For entitlements and consequential benefits.	CWP was listed on 12 September, 2019 and dismissed.
14.	28.1.2020	OA No.2069/2019 at AFT (PB) New Delhi. PS Matter for HRA, TPT Allowances, etc.	Case was listed on 28 January, 2020 and got adjourned to 13 February, 2020.

(vii) Consequential benefits asked for by the petitioner in respect of her spouse Colonel (TS) (Retd.) Ran Singh Dudee are, as under:-

(a) **Promotion:**

- (i) Rank of Major General.
- (ii) Award of Sena Medal and Vishistha Sewa Medal.
- (iii) Seniority of 1986 Batch.
- (iv) Date of retirement 31.01.2025.

(b) **Compensation:**

- (i) 20 Million Dollars for malicious prosecution to be given to Swami Ramdev for the education of children of Shaheed.
- (ii) ₹6,68 crore for the wrongful confinement.
- (iii) ₹ 26.46 crore for the fear of wrongful confinement.

(c) Restoration:

Honorary control to both son Happy Dudee and Smile Dudee.

(viii) It is mentioned here that the officer has past disciplinary record as he was summarily tried under Section 83 of the Army Act by Commander, 29 Artillery Brigade for the offence of 'absenting himself without leave' for 3 days from 27.06.1991 to 29.06.1991. The Officer pleaded guilty to the charge under Section 39 (a) of the Army Act and was sentenced to 'Reprimand'. He was also awarded 'Displeasure' by GOC 29 Infantry Division in the year 1991 for irregularities pertaining to procurement/accounting of ordinance stores.

(ix) It is mentioned that the case of the officer for promotion and compensation has already been decidedly rejected by judgement of various courts and thus, is squarely covered by the principal of 'res-judicata'. The officer has already been paid an amount of ₹1,28,80,918/- as consequential benefits of reinstatement and has been granted re-employment after retirement, as well. The claims for compensation which have been rejected by the High Court and Supreme Court are, therefore, misconceived and not maintainable as they have already attained finality in view of the rulings of various courts including the Apex Court. Hence, there is no merit in the petition filed by Smt. Suman Dudee.

7. In connection with the comprehensive examination of the instant Representation of Smt Suman Dudee regarding injustice to her husband, Colonel (TS) (Retd.) Ran Singh Dudee by denying him consequential benefits and other important issues related therewith, the Committee on Petitions, heard the views of the representatives of the Ministry of Defence (Department of Military Affairs) on 18 February, 2020.

8. After hearing the views of the representatives of the Ministry of Defence (Department of Military Affairs), the Committee *inter alia* expressed their views, as under:-

- (i) The action was initiated in the case of Colonel (TS) (Retd.) Ran Singh Dudee during the GCM of 2005, on the basis of anonymous or pseudonymous complaints.
- (ii) The competent Disciplinary Authority did not confirm the findings on all the charges levelled against Colonel (TS) (Retd.) Ran Singh Dudee in the GCM, 2005 due to which the sentence awarded by GCM was reduced by six months out of

three years rigorous imprisonment.

- (iii) Colonel (TS) (Retd.) Ran Singh Dudee was tried by GCM in the year 2005, however, he moved the Court only in the later part of his service which suggests his apprehension of being victimized.
- (iv) It appears that Colonel (TS) (Retd.) Ran Singh Dudee has been implicated under a well-planned Departmental career-related rivalry with malicious intention, which ultimately compelled him to move the Court for redressal of his grievances.

9. The representatives of the Ministry of Defence (Department of Military Affairs), thereon, stated before the Committee that they are fully sympathetic in the case of Colonel (TS) (Retd.) Ran Singh Dudee and assured that they would reconsider the case and if any high-handedness of the Department is found, they would find out as to how some more relief could be given to Colonel (TS) (Retd.) Ran Singh Dudee.

10. During the discussion with the representatives of the Department of Military Affairs, the Committee emphasised the need to re-evaluate the case by the Ministry of Defence (Department of Military Affairs) keeping in view the mental agony, physical and economic harassment which the officer along with his family members had undergone all these years and also to obtain the details/proposal from the Ministry of Defence (Department of Military Affairs) on the aspect of extending the consequential benefits, in any manner, to Colonel (TS) (Retd.) Ran Singh Dudee by giving him additional relief or honour, etc. Subsequently, the Ministry of Defence (Department of Military Affairs) were requested *vide* this Secretariat O.M. dated 18.2.2020 to furnish the requisite details/proposals along with the action taken proposed to be taken on other queries raised by the Members of the Committee on Petitions during the said sitting.

11. In response thereto, the Ministry of Defence, Department of Military Affairs (Legal) *vide* their communication dated 4.3.2020 have *inter alia* submitted, as under:-

- (i) *IC-47908F Colonel (TS) (Retd.) Ran Singh Dudee was commissioned in the Indian Army on 11.06.1988. The Officer was tried by GCM on four charges pertaining to fraudulently obtaining 8.64 hectare of land in District Saugor. The GCM found him 'Guilty' of two of the charges and sentenced him on 16 May 2005 to be cashiered and to suffer rigorous imprisonment for three years. On 21 October 2005, the General Officer Commanding-in-Chief, Southern Command confirmed*

the sentence awarded by the GCM but remitted six months out of the three years rigorous imprisonment awarded by the GCM.

- (ii) Subsequently, the officer filed a post-confirmation Petition under Army Act Section 164 in January 2006 which was rejected by the Central Government in June 2006. Later, the Officer filed a petition for annulment of GCM proceedings under Army Act Section 165 on 07 July 2007. The Officer also filed a Writ Petition Number 4681/2008 in Delhi High Court praying for quashing of GCM proceedings. This Writ Petition was transferred to Armed Forces Tribunal (Regional Bench) Kolkata as Transferred Application Number 84/2011. In its interim order dated 26 March 2012, the Hon'ble Armed Forces Tribunal ordered the respondents to take a decision in respect of representation dated 7 July 2007, under section 165 of the Army Act. The case was, accordingly, analyzed and recommended by the COAS at Army Headquarters as well as by Legal Advisor (Defence), Ministry of Defence for rejection. However, the Government of India/Ministry of Defence considered the petition and based on the opinion of Ld. Solicitor General annulled the GCM proceedings with all consequential benefits as admissible under rules on the subject vide order dated 20 November, 2013.

Consequential benefits paid to the Officer

- (iii) Colonel (TS) (Retd.) Ran Singh Dudee was reinstated in service on 13 January, 2014. He was also promoted to the rank of Lieutenant Colonel with effect from 16 December, 2004 (retrospectively). Later, in June, 2015, the Officer was granted the rank of Colonel (TS) on completion of 26 years of service.
- (iv) As far as monetary benefits are concerned, an amount of ₹1,28,80,918/- (Rupees One crore twenty-eight lakhs eighty thousand nine hundred eighteen only) has been paid to Colonel (TS) (Retd.) Ran Singh Dudee. The details are, as under:-

Sl. No.	Details of Payment	Period	Amount (in ₹)	Paid on
(a)	Arrears of pay and allowances	24.10.2005 to 12.1.2014	77,34,772.00	17.9.2014
(b)	Children Education Allowance	1.4.2006 to 31.3.2010 (First child)	71,550.00	31.10.2015
		1.4.2006 to 31.3.2012 (Second child)		
(c)	Family Planning Allowance	24.10.2005 to 12.1.2014	48,909.00	31.10.2015
(d)	Rank Pay Arrears (Dhanapalan Case)	1.1.1996 to 10.6.1999	13,828.00	31.10.2015

(e)	Interest on Rank Pay Arrears (12%)	1.1.1996 to 31.12.2015	16,605.00	31.1.2016
(f)	Arrears of Pay and Allowances (Option Exercised)	16.12.2004 to 29.2.2016	2,60,075.00	31.3.2016
(g)	Outfit Allowance	1.9.2008 to 1.9.2014	11,205.00	30.6.2016
(h)	Interest on Pay and Allowances	24.10.2005 to 16.9.2014	38,10,532.00	31.8.2016
(i)	House Rent Allowance (HRA) for last duty station Saugor	24.10.2005 to 12.1.2014	5,21,857.00	31.8.2016
(j)	Interest on HRA	24.10.2005 to 31.8.2016	3,91,585.00	31.8.2016
Total			1,28,80,918.00	

- (v) In addition, in due deference and compliance of the Hon'ble Armed Forces Tribunal (Regional Bench) Lucknow Order dated 24 January 2017 and 9 May 2017, a detailed Speaking and Reasoned Order dated 30 July 2018 was forwarded to Colonel (TS) (Retd.) Ran Singh Dudee by the Adjutant General's Branch pertaining to Transport Allowance, House Rent Allowance, Interest on DSOP, AGIF & Ration Money, Reimbursement of Medical and Transport bills, Newspaper bills and Briefcase Allowance (**Annexure-III**).
- (vi) Colonel (TS) (Retd.) Ran Singh Dudee had raised several issues with respect to consequential benefits such as grant of promotion, honour and awards, award of officer rank to his sons, increase in length of service and compensation which were dealt by various Branches/Directorates of Army Headquarters and accorded whatever was admissible under the Rules. He had also filed several Court cases in Armed Forces Tribunals, High Courts and Supreme Court on the same issues. The matter was finally adjudicated by the Supreme Court, who upholding the appeal filed by Union of India decided the case vide its order dated 03 July 2018 (**Annexure-IV**).
- (vii) The main issues of compensation and promotion have already been settled by the Hon'ble High Court and the Supreme Court in the following manner:-

(a)	Promotion	Hon'ble Supreme Court Judgement dated 03 July 2018 in Civil Appeal Number 11009/2017. The Hon'ble Supreme Court held that the Officer had received the Time Scale (TS) Promotion to the rank of Colonel on completion of 26 years of service but if he was not found suitable for empanelment by way of Selection, the matter must end
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		there. The Hon'ble Supreme Court also set aside cost of ₹5,00,000/- (Rupees Five Lakhs only) awarded to the respondent by the Armed Forces Tribunal (Regional Bench) Lucknow. It is pertinent to mention that the Officer was considered for promotion to the rank of Colonel by Selection Board twice and not empanelled based on merit.
(b)	Compensation	Delhi High Court Judgement dated 29 October 2018 in Writ Petition (c) 11643/2018. The Officer had filed case for monetary benefit and compensation vide Civil Appeal No 33721/2017 at Hon'ble Supreme Court and the same was dismissed as withdrawn on 23 July 2018. The Officer then approached the Hon'ble High Court which observed that the petitioner did not move to seek any remedy for compensation till three and half years after his reinstatement and even otherwise, the said Writ Petition was not found maintainable thus dismissed by Hon'ble High Court on 29 October 2018.
(c)	Remaining Entitlements	Delhi High Court Judgment dated 12 September 2019 in Writ Petition (C) 12681/2018 titled Colonel Ran Singh Dudee Versus Union of India. The Officer also sought to agitate the same issues vide the ibid Writ Petition seeking remaining entitlements. The said Writ Petition was dismissed by the Hon'ble High Court vide its Order dated 12 September 2019.

Discussion with Parliamentary Committee

- (viii) In the discussion between the Secretary, Department of Military Affairs (Chief of Defence Staff) with the Parliamentary Committee, there was a view expressed by the Hon'ble members that the Officer had spent 9 years in jail. It is required to be placed on record that the Officer was sentenced to 'Cashiering' and '3 Years Rigorous Imprisonment (RI)' which was reduced to 2½ years of RI by the confirming authority. It is also learnt that the Officer was handed over to civil jail on 24 October, 2005 and released therefrom on 27 August 2006. Therefore, the total period spent by Colonel (TS) (Retd.) Ran Singh Dudee in the civil jail was 10 months and not 9 years. The trial of the officer by GCM had commenced from 19 October 2004 and the findings and sentence was confirmed on 21 October, 2005.

The period spent by the Officer in military custody during trial was, therefore, set off from the sentence awarded in terms of Army Rules.

Proposal

- (ix) It is on record that Colonel (TS) (Retd.) Ran Singh Dudee has been given all possible consequential benefits as admissible under rules. However, in deference to the views expressed by Hon'ble members of the Committee on Petitions, Lok Sabha and also to address any remaining dissatisfaction which may be felt by the Officer, the Organisation is willing to take measures to immortalize the supreme sacrifice made by Late Sepoy Hawa Singh (brother of the Officer). The Officer had taken over 8.64 hectares of land from the State Government between November 2000 and May 2001 at Saugor with payment of ₹25/- (Rupees Twenty-Five only). The land had been taken for construction of memorial of his brother, Late Sepoy Hawa Singh. The entire episode leading to the award of punishment by sentencing Officer to three years Rigorous Imprisonment, which was mitigated to two and a half years and later quashed on directions of Ministry of Defence, was because of the Officer's desire to create a memorial for his brother. It is thus, proposed that an appropriately sculpted bust of the martyr may be gifted and installed at the Officer's native village in Jhunjhunu District of Rajasthan at a prominent place which may be provided by the State Government/Local Administration. The same will be done in a military ceremony befitting the occasion which could bring about closure of the case and fulfill the original desire of the Officer.

OBSERVATIONS/RECOMMENDATIONS

Trial and sentencing of Colonel (TS) (Retd.) Ran Singh Dudee by the General Court Martial (GCM)

12. The Committee undertook a detailed examination of the representation of Smt Suman Dudee, spouse of Colonel (TS) (Retd.) Ran Singh Dudee. During the Presentation made by the representatives of the Ministry of Defence (Department of Military Affairs) and during interactions with them in the Committee meeting, a few issues which impinges on the overall justice-driven and disciplined administrative functioning of Indian Army by some of the functionaries at that point of time came to the fore. The written replies provided to the Committee by the Ministry also brought into sharper focus the contents and contours, besides the extent, of these issues.

13. The Committee note that IC-47908F Colonel (TS) (Retd.) Ran Singh Dudee was commissioned in the Indian Army on 11 June, 1988. The officer was tried by the General Court Martial (GCM) on four charges, with effect from, 19 October, 2004 to 16 May, 2005 and found him 'Guilty' of the first charge for such an offence as is mentioned in Clause (f) of Section 52 of the Army Act, with intent to defraud and the third charge for an act prejudicial to good order and military discipline and sentenced him to be cashiered and to suffer rigorous imprisonment for three years. The sentence awarded by the GCM was confirmed with remission of six months out of three years rigorous imprisonment.

14. The Committee also note that Colonel (TS) (Retd.) Ran Singh Dudee filed a WP No. 4681/2008 in Delhi High Court praying for quashing of GCM proceedings. The WP was transferred to AFT (RB) Kolkata Bench as TA No. 84/2011. In its interim order dated 26.03.2012, the Hon'ble AFT ordered the respondents to take a decision on representation dated 07.07.2007 of the applicant and to inform the Tribunal that the said

petition has been examined along with the proceedings of GCM. Accordingly, Ministry of Defence considered the petition of the officer and based on the opinion of Ld. Solicitor General, annulled the findings and proceedings of GCM dated 16.05.2005 and confirmation order dated 21.10.2005 being time barred, illegal and unjust and allowed the petition filed by Major R. S. Dudee of 36 Infantry Division Ordnance Unit. It has been mentioned in the order that he is entitled to all consequential benefits as admissible under rules on the subject.

15. The Committee, having noted the entire sequence of events relating to the trial and sentencing of Colonel (TS) (Retd.) Ran Singh Dudee by the GCM along with further consequential action initiated by him in the form of filing of a Writ Petition in the High Court, found that the Ministry of Defence under the powers conferred under Section 165 of the Army Act, 1950 *vide* its Order dated 20 November, 2013 annulled the findings and proceedings of GCM. With a view to weighing the application of the principle(s) of fair play, law of natural justice and the doctrine of proportionality during the trial and sentencing of Colonel (TS) (Retd.) Ran Singh Dudee, the Committee considered it necessary to carefully go through the relevant 'Order' of the Ministry of Defence. The salient observations along with the reasoning for arriving at the decision of rescinding the findings and proceedings of the GCM could be summarised, as under:-

- (i) IC-47908F ex-Major Ran Singh Dudee, formerly of 36 Infantry Division Ordnance Unit attached with 109 RAPID (Strike) Engineer Regiment for the trial by the GCM, was on 19 October, 2004 arraigned before the said Court Martial on four charges, as under:-
 - (a) *He at Saugor, Madhya Pradesh, between November 2000 and May 2001, which came to the knowledge of the authority competent to initiate disciplinary action, on 15 May, 2002, having progressed a case for procurement of 8.64 hectares of Government land consisting ₹ 6.75 lakh near village Raipura, District Saugor to the Defence Department for the purpose of immortalisation of forgotten hero Late*

Sepoy Hawa Singh of 9 JAT, with intent to defraud, proceeded to obtain the land, in his favour, for a sum of ₹ 25/-.

- (b) *He, at Saugor, on 9 November, 2000, which came to the knowledge of the authority competent to initiate disciplinary action, on 15 May, 2002, while performing the duties of Officiating Commanding Officer of 36 Infantry Division Ordnance Unit, improperly, wrote Demi Official Letter bearing No. 47908/RSD/Pers/DO dated 9 November, 2000 addressed to Shri B.R. Naidu, Collector and District Magistrate, Saugor, seeking therein, allotment of 8.64 hectares of Government land near village Raipur, Saugor District.*
- (c) *He, at Saugor, on 14 November, 2000, which came to the knowledge of the authority competent to initiate disciplinary action, on 15 May, 2002, while performing duties of Administrative Officer of 36 Infantry Division Ordnance Unit, improperly, wrote Demi Official Letter bearing No. 47908/RSD/Pers/DO dated 14 December 2000 addressed to Shri B.R. Naidu, Collector and District Magistrate, Saugor, seeking therein allotment of 8.64 hectares of Government land near village Rajpura, Saugor District.*
- (d) *He, at Saugor, between November, 2000 and May, 2001, having procured Government land as averred in the first charge, which came to the knowledge of the authority competent to initiate disciplinary action, on 15 May, 2002, improperly failed to submit the report on the acquisition of the said immovable property, contrary to Special Army Order 3/S/98, which enjoins that such reports must be submitted forthwith but in no case, later than one year from the date of completion of the transaction.*
- (ii) **After the trial, the GCM found IC-47908F ex-Major Ran Singh Dudee 'Guilty' of the first and third charges but 'Not Guilty' of the second and fourth charges, and sentenced him to be cashiered and to suffer rigorous imprisonment for three years.**
- (iii) **On 21 October, 2005, the General Officer Commanding-in-Chief (GOC-in-C), Southern Command, confirmed the findings on the first, second and fourth charges but did not confirm the findings on the third charge. The GOC-in-C, Southern Command further confirmed the sentence awarded by the GCM**

but remitted six months out of the three years' rigorous imprisonment awarded by the Court.

- (iv) The complete record of the case was examined, in detail, including the Court Martial proceedings and the opinion rendered by the learned Solicitor General in the matter. After considering all aspects of the petition and viewing it against the redressal sought, the following facts emerged:-
- (a) It is observed that the IC-47908F ex-Major Ran Singh Dudee wrote multiple letters requesting for allotment of land for construction of a War Memorial. The petitioner initially approached the then Commanding Officer of 9 JAT (Unit of ex-Major Ran Singh Dudee's late brother), Colonel S.B. Chavan, to apply for land to construct a war memorial for his late brother. Accordingly, on 29.7.2000, Colonel S.B. Chavan wrote a letter to the District Collector, Jhunjhunu (Rajasthan) for allocating a suitable piece of land. Vide letter dated 7 November, 2000, ex-Major Ran Singh Dudee also sought permission of Colonel Devinder Singh Yadav, the then Commanding Officer of 36 Infantry Division Ordnance Unit at Saugor (where ex-Major Ran Singh Dudee was posted at that time), for applying for another piece of land for constructing the war memorial (i.e., the land in question), Vide letter dated 14 December, 2000, ex-Major Ran Singh Dudee, in his capacity as Administrative Officer of 36 Infantry Division Ordnance Unit, through his Commanding Officer, approached the Collector/District Magistrate, Saugor for allotment of the land in question.
- (b) On 5 March, 2001, Colonel S.B. Chavan issued an 'open-ended authority letter' authorizing ex-Major Ran Singh Dudee to take possession of the land given by the Government for war memorial, etc., and also authorizing him to take all necessary decisions and actions as he deems fit and suitable. As per Challan dated 1 April, 2001, a sum of ₹ 25/- was deposited by the Applicant as cost of the land.
- (c) According to a letter dated 5 May, 2001, Shri S.C. Arya, Additional Collector, Saugor, Madhya Pradesh clarified that 9 JAT was the owner and title holder of the land allotted to Veer Shaheed Hawa Singh and that ex-Major Ran Singh Dudee was handed over all necessary documents and possession of the land for further necessary action.

- (d) On 6 May, 2001, ex-Major Ran Singh Dudee informed Shri Arya that since 9 JAT was likely to move out of Gwalior, it was decided that the land would be given back to the Government in the form of immortalization trust and the land would be utilized for social service.
- (e) On 20 July, 2001, Shri Arya certified that the land was given back to the Government in the form of a trust and no allotment stood in the name of the Applicant.
- (f) On 9 March, 2002, Colonel S.B. Chavan requested for cancellation of the allotment of land made for constructing the war memorial, stating that *"it appears that my letters under reference have been used for allotment of land for memorial of late Sepoy Hawa Singh at Saugor, Madhya Pradesh which was never intended. As such, these letters may please be treated as cancelled and action taken on these, if any may please be reversed"*.
- (g) On 15 May, 2002, disciplinary action was directed against ex-Major Ran Singh Dudee by the GOC 36 Infantry Division.
- (h) On 18 July, 2002, ex-Major Ran Singh Dudee informed Shri Arya that he did not wish to form as Trust and requested him to cancel the allotment of the land.
- (i) Based on the above, it is not clear as to how 'wrongful gain' was caused to ex-Major Ran Singh Dudee and how he acted with intent to defraud. On 6 May, 2001, ex-Major Ran Singh Dudee made it clear that the land would be given back to the Government. He is not in possession of the land, he has not used it for his personal gain, he has not constructed any Memorial on it. There is no conclusive evidence of any collusion between ex-Major Ran Singh Dudee and the Civil Officials of District Administration, Saugor (particularly, Shri S.C. Arya), the authenticity of the aforementioned communication is not in dispute and the Civil Officials of District Administration, Saugor have not come forth with any complaint in this respect. It is relevant to mention here that a Magisterial Inquiry conducted in this respect, based on the anonymous complaint dated 10 January, 2001, also concluded that the land was allotted for Shaheed Hawa Singh

Memorial with due procedure. Thus, it is not clear as to how this constitutes an offence under Section 52(f).

- (j) As regards the issue of limitation, the issue has been considered by the GCM as well as the Confirming Officer. As per Section 122 of the Army Act, the period of limitation for trial by Court Martial is three years from -
- (a) The date of offence; or
 - (b) Where the commission of the offence was not known to the person aggrieved by the offence or to the authority competent to initiate action, the first day on which such offence comes to the knowledge of such person or authority, whichever is earlier; or
 - (c) Where it is not known by whom the offence was committed, first day on which the identity of the offender is known to the person aggrieved by the offence or to the authority competent to initiate action, whichever is earlier.
 - (d) The disciplinary action against the ex-Major Ran Singh Dudee was directed on 15 May, 2002 and the trial commenced on 19 October, 2004. The GCM concluded that the actionable wrongs become clear and came to the knowledge of the authority competent to initiate disciplinary action, when the record of the Second Court of Inquiry was made available to the G-O-C 36 Infantry Division in the first week of May, 2002. The authorities have considered 15 February, 2002 as the date from which the period of limitation commences.
- (k) It is observed that a Court of Inquiry was first ordered by Colonel Devinder Yadav (Commanding Officer, 36 Infantry Division Ordnance Unit) on 7 July, 2001 to investigate *inter alia* alleged fraudulent allotment of land to the applicant, after receipt of three anonymous complaints. Based on the report of the Court of Inquiry, on 19 July, 2001, the Commanding Officer held that the allegations were false and baseless. Around the same time, another anonymous complaint dated 10 January, 2001 was under civil investigation by Magisterial Inquiry. The report of the Magisterial Inquiry concluded that the land,

in question, was allotted for Shaheed Hawa Singh Memorial with due procedure and the anonymous complaint was infructuous. Subsequently, a second Court of Inquiry was convened on 3 November, 2001 to investigate into the circumstances under which the allotment of land was applied for without permission of the competent military authorities and whether any existing orders were violated. Based on the report of the second Court of Inquiry, disciplinary action was initiated against ex-Major Ran Singh Dudee.

- (l) Even assuming that an offence has been committed under Section 52(f), it cannot be said that 15 February, 2002 has to be considered as the date from which the period of limitation commences. For the purpose of computing limitation, what is to be considered is the date of knowledge and not the date of 'actionable knowledge'.
- (m) Since the first Court of Inquiry was ordered to be convened on 7 July, 2001, it can be said that the knowledge of the alleged offence (i.e., fraudulent allotment of land) was gained on or before such date. The trail of ex-Major Ran Singh Dudee commenced from 19 October, 2004, which is years beyond the date. Thus, the GCM proceedings are barred by limitation.
- (n) It is also an admitted fact that the purpose of the allotment was only to build a War Memorial, which has not been done by virtue of surrender of the land to the Government. Hence, any wrongful pecuniary gain cannot be concluded. From an overall perspective, the intent of ex-Major Ran Singh Dudee cannot be said to be something which is forbidden by law. It was only to perpetuate the memory of his brother.

16. The Committee, while appreciating the exceptional ground work and intensive examination of the petition of the ex-Major Ran Singh Dudee vis-a-vis the proceedings of the General Court Martial by the Ministry of Defence, as narrated in the foregoing paragraphs, also note that the Ministry of Defence had concluded their findings *vide* Order No. C/06270/SC/345/AG/DV-2/3702/D (AG) dated 20 November, 2013, as under:-

"Taking all the above facts cumulatively, the findings of the GCM are unacceptable. The finding of the GCM, as confirmed, requires interference by the Central Government.

Now, therefore, the Central Government, under the powers conferred under Section 165 of the Army Act, 1950, hereby, annul the proceedings of the General Court Martial findings and sentence dated 16 May, 2005 and confirmation dated 21 October, 2005 being illegal and unjust and allow the petition filed by ex-Major Ran Singh Dudee of 36 DOU. Consequently, the penalty imposed upon ex-Major Ran Singh Dudee stands quashed and he is entitled to all consequential benefits as admissible under Rules on the subject."

17. The above events as concluded by the Ministry of Defence *vide* its Order dated 20 November, 2013 *inter alia* are the major issues that the Committee have flagged in the wake of detailed examination of the instant representation which clearly establish the fact that initiation of Court of Inquiry merely on the basis of anonymous complaints and, thereafter, trial and sentencing of Colonel (TS) (Retd.) Ran Singh Dudee by the General Court Martial was not only improper but also fraught with a possibility of some covert intent of certain serving officers, at that time, to harm the career aspirations, character and social status of the spouse of Smt Suman Dudee. In this connection, it is stating the obvious that all the Government Establishments in the country needs a transparent system of initiating the disciplinary proceedings against their own servicemen so that no innocent individual should be subjected to undergo the ordeals, social stigma and family sufferings which Colonel (TS) (Retd.) Ran Singh Dudee would have undergone during those years - in captivity and afterwards. Notwithstanding this, the Committee, after interacting with the representatives of the Ministry of Defence (Department of Military Affairs) during the discussion held on 18 February, 2020, are happy to note that the Chief of Defence Staff & Secretary, Department of Military Affairs was candid to inform that they are fully sympathetic in the case of Col. (TS) (Retd.) Ran Singh Dudee and also assured that they would reconsider the case and if, any high-handedness of the Department is found, they would find out as to how some more relief could be given to

Col. (TS) (Retd.) Ran Singh Dudee. Keeping in view all the facts and circumstances, the Committee, therefore, recommend that the mechanism of initiating disciplinary proceedings in the Armed Forces should be revisited and any ambiguity which might encourage subjectivity and/or opens a window to settle career-related score(s) should be appropriately plugged in by way of introducing appropriate modifications/amendments in the relevant Rules/Orders/Guidelines, etc., on the subject. The Committee would like to be apprised of the concrete action taken in this regard within three months of the presentation of this Report to the House.

Habitual Litigant vis-a-vis forcing an officer to Litigate

18. The Committee note that after annulment of the proceedings of the GCM findings and sentence dated 16 May, 2005 along with the confirmation dated 21 October, 2005 being illegal and unjust by the Ministry of Defence *vide* its Order dated 20 November, 2013, Colonel (TS) (Retd.) Ran Singh Dudee was reinstated in service with effect from 13 January, 2014 and granted full pay of his rank and all benefits, as per Rules. Colonel (TS) (Retd.) Ran Singh Dudee was also promoted to the rank of Lieutenant Colonel, retrospectively, with effect from 16 December, 2004 and subsequently, the officer was granted the rank of Colonel by Time Scale on 30 June, 2015 on completion of 26 years reckonable commissioned service. Grant of Time Scale unlike 'Selection Grade' is not based on vacancies. Colonel (TS) (Retd.) Ran Singh Dudee was considered by Selection Board No. 3 in April, 2016 for promotion to the rank of Colonel by selection, applying the same policy and criteria as applied to his original Batch considered in 2006. However, he was not empanelled based on his overall profile and comparative merit.

19. The examination of the Committee further revealed that Colonel (TS) (Retd.) Ran Singh Dudee filed OA 260 of 2016 at AFT (PB), New Delhi seeking *inter alia* promotion to the rank of Brigadier and consequential benefits which was allowed on 17.01.2017. Civil

Appeal No. 11009 of 2017 was filed by UOI on 01.02.2017 and Hon'ble Court was pleased to stay the operation of impugned Order dated 17.01.2017 on the condition that UOI shall take a decision on the promotion of the officer to the rank of Colonel, within a period of two weeks, in accordance with law. In the meantime, the officer retired from service on 2.2.2017 on attaining the age of superannuation. The officer, on retirement, has been granted re-employment, at par with other officers. The UOI, in compliance of the Order of the Hon'ble Court, considered the officer for promotion to the rank of Colonel based on the same parameters as applied to his 1988 batch. However, based on the overall profile and comparative merit, the Special No. 3 Selection Board found the officer 'not fit' and 'not empanelled' for promotion.

20. The Committee have further been informed that Colonel (TS) (Retd.) Ran Singh Dudee, subsequently, filed another OA No. 104 of 2017 before the Ld. AFT, Lucknow against impugned Non-Empanelment result. The Ld. Tribunal *vide* order 27.03.2017 allowed the OA setting aside the result of Special No. 3 Selection Board, directed fresh consideration of the officer keeping in mind the observations of the Tribunal that the officer is high in merit and also imposed cost of ₹5 lakh on the Appellants for allegedly forcing the officer to litigate. The Union of India filed appeal in Supreme Court in December, 2017 challenging the Order dated 27.03.2017 of AFT. Appeal filed by the Government was allowed by the Supreme Court *vide* Order dated 03.07.2018 to set aside the cost of ₹5 lakh awarded to the respondent and quashed the judgement of AFT, in toto. In this chronology, the Ministry have also furnished a list of Court cases filed by Colonel (TS) (Retd.) Ran Singh Dudee, which contains the details of 14 cases.

21. The Committee find that filing of Court cases by Colonel (TS) (Retd.) Ran Singh Dudee could not an indication of his being a habitual litigator in view of the fact that even the Ld. ATF, Lucknow *vide* Order dated 27 March, 2017 had imposed cost on the

Appellants for allegedly 'forcing the officer to litigate' irrespective of the fact that later on, the Supreme Court *vide* Order dated 03.07.2018 set aside the cost of ₹5 lakh. Moreover, prior to the facts and circumstances as narrated by the Ministry of Defence *vide* its Order dated 20 November, 2013, while annulling the proceedings of the GCM findings and the sentence, Colonel (TS) (Retd.) Ran Singh Dudee had already undergone the ordeals of jail as also his entire career was shaken. In this context, the Committee are of the view that in case, any other serviceman had come across similar situation/incident, he would also have acted in the same manner. Though, the Committee vehemently endorse the adherence to high degree of discipline and devotion to duty by all the personnel of the Defence Services which is an essential and non-negotiable pre-requisite, yet, the Committee feel that if any serviceman is aggrieved of any decision of his superior authority and prefer to approach the Court, in that eventuality, some internal but Independent Reconciliation Mechanism, on the basis of which the litigations could be quickly and amicably resolved, could be a viable proposition. The Committee, therefore, desire that some out-of-box internal but Independent Reconciliation Mechanism should be worked out by the Ministry of Defence so that such unpleasant incidents are averted at the nascent stage itself. The Committee would await specific action taken by the Government, in the matter.

Consequential benefits paid to Colonel (TS) (Retd.) Ran Singh Dudee

22. The Committee note that the Department of Military Affairs (Legal) *vide* their Office Memorandum No. 7(10)/2018-D(AG)/DMA (Legal) dated 4 March, 2020 had *inter alia* submitted before the Committee that Colonel (TS) (Retd.) Ran Singh Dudee was tried by the General Court Martial on four charges pertaining to fraudulently obtaining 8.64 hectare of land in District Saugor, Madhya Pradesh. The GCM found him 'Guilty' of two of the charges and sentenced him on 16 May, 2005 to be cashiered and to suffer rigorous imprisonment for three years. On 21 October, 2005, the General Officer Commanding-in-

Chief, Southern Command confirmed the sentence awarded by the GCM but remitted six months out of the three years rigorous imprisonment awarded by the GCM.

23. The Committee also note that Colonel (TS) (Retd.) Ran Singh Dudee filed a Post-Confirmation Petition under the Army Act, Section 164 in January, 2006 which was rejected by the Central Government in June, 2006. Later, the officer filed a petition for annulment of GCM proceedings under the Army Act, Section 165 on 7 July, 2007. The officer also filed a Writ Petition, No. 4681/2008 in the Delhi High Court praying for quashing of GCM proceedings. This Writ Petition was transferred to Armed Forces Tribunal (Regional Bench) Kolkata as Transferred Application, No. 84/2011. In its interim Order dated 26 March, 2012, the Hon'ble AFT ordered the respondents to take a decision in respect of representation dated 7 July, 2005, under Section 165 of the Army Act. The case was, accordingly, analysed and recommended by the COAS at Army Headquarters as well as by the Legal Advisor (Defence), Ministry of Defence for rejection. However, the Government of India/ Ministry of Defence, considered the petition based on the opinion of Ld. Solicitor General annulled the GCM proceedings with all consequential benefits as admissible under the Rules on the subject *vide* Order dated 20 November, 2013.

24. The Committee further note that Colonel (TS) (Retd.) Ran Singh Dudee was reinstated in service on 13 January, 2014. He was also promoted to the rank of Lieutenant Colonel with effect from 16 December, 2004 (retrospectively). Later, in June 2015, the officer was granted the rank of Colonel (Time Scale) on completion of 26 years of service. As regards monetary benefits are concerned, an amount of ₹1, 28,80,918 has been paid to Colonel (TS) (Retd.) Ran Singh Dudee, as per the following break-up:-

S. No.	Details of payment	Amount (in ₹)
1.	Arrears of pay and allowances	77,34,772
2.	Children Education Allowance	71,550
3.	Family Planning Allowance	48,909

4.	Rank Pay Arrears	13,828
5.	Interest on Rank Pay Arrears	16,605
6.	Arrears of Pay & Allowances	2,60,075
7.	Outfit Allowance	11,205
8.	Interest on Pay & Allowances	38,10,532
9.	House Rent Allowance for last duty Station	5,21,857
10.	Interest on HRA	3,91,585

25. After going through all the aforementioned details of monetary benefits, the Committee wish to point out that release of monetary benefits was a consequence of annulment of GCM findings/proceedings against Colonel (TS) (Retd.) Ran Singh Dudee by the Government of India/Ministry of Defence *vide* Order dated 20 November, 2013. Since the Ministry of Defence *vide* their Order *ibid* had also held the GCM findings and sentence as 'illegal' and 'unjust', as a natural corollary, Colonel (TS) (Retd.) Ran Singh Dudee was also entitled to all consequential benefits as admissible, under the Rules. However, in this context, the Committee are of considered view that the 'monetary benefits' paid to Colonel (TS) (Retd.) Ran Singh Dudee were actually confined to that amount which any serving officer would have otherwise received after his/her exoneration from the 'Article of Charge(s)' imposed by the Disciplinary Authority. Keeping in view the Order of annulment of GCM proceedings by the Ministry of Defence, the fact requires no further elucidation that Colonel (TS) (Retd.) Ran Singh Dudee was falsely implicated and even confined to rigorous imprisonment. Therefore, this extraordinary case, with some personal ramifications and implications, which had all through sustained during 2004-2013 could not be compensated by way of releasing only the amount of money for which any serviceman is legally entitled to receive in the normal course, but the 'consequential benefits' should include consideration of career elevation of the affected official on 'notional basis', i.e., by pragmatically assuming that had the officer not been falsely implicated, he would have been promoted at par with his/her batch mates.

26. In this context, the Committee have no inhibition even to appreciate the submission made by the Department of Military Affairs to the effect that Colonel (TS) (Retd.) Ran Singh Dudee was not only retrospectively promoted to the rank of Lieutenant Colonel and later on, granted the rank of Colonel on Time Scale basis, but also subsequently, considered for promotion to the rank of Colonel by 'selection' which could not reach the 'stage of being empanelled' due to his overall profile and comparative merit. Contrary to this, the Department of Military Affairs *vide* their Office Memorandum dated 13 February, 2020, had also *inter alia* submitted before the Committee, as under:-

"In August, 2006, 1988 Batch officers of the Army Ordnance Corps were considered by No. 3 Selection Board for promotion to the rank of Colonel as per the policy, wherein, 17 officers out of 106 officers were empanelled based on their overall profile and comparative merit against the available vacancies. Major Dudee was not considered by the Board as he was imprisoned" (emphasis provided).

27. The aforementioned averments of the Department of Military Affairs go on to show that the Court Martial of Colonel (TS) (Retd.) Ran Singh Dudee along with his imprisonment had a direct bearing on his promotional prospects and career elevation *vis-a-vis* his colleagues. The Committee, therefore, feel that a plausible remedy for this entire incident, irrespective of any Order/Judgement of the Honourable Court(s) of Law, could be set right by re-visiting the entire case of Colonel (TS) (Retd.) Ran Singh Dudee to ascertain the culpability of any serving officer/ group of officers at that point in time or to ascertain as to whether it was a case of some 'error of judgement'. In case, the findings of such an exercise bring to light any such act of misuse of official authority by the then Controlling Officers, Colonel (TS) (Retd.) Ran Sigh Dudee could be considered for grant of some additional service-related benefits, the form and manner of which could be decided by the Highest Authority in the Department of Military Affairs. The intention of the Committee is not only to suggest, at the least, giving some honour to the affected officer on the basis of all the material facts, presently, in possession with them, but also

to ensure that any such incidents had not happened to any other serviceman during the relevant period. The Committee would like to be apprised of the concrete action taken in this regard within three months of the presentation of this Report to the House.

Proposal to create a Memorial for the brother of Colonel (TS) (Retd.) Ran Singh Dudee

28. During the discussion with the representatives of the Department of Military Affairs on 18 February, 2020, the aspect of extending consequential benefits, in any manner, to Colonel (TS) (Retd.) Ran Singh Dudee was also deliberated upon. In pursuance thereof, the Committee have been informed that the officer had been given all possible consequential benefits as admissible under Rules. However, with a view to addressing any remaining dissatisfaction which might be felt by the officer, it was also informed that the Organisation is willing to take measures to immortalize the supreme sacrifice made by Late Sepoy Hawa Singh (brother of the officer). The officer had taken over 8.64 hectares of land from the State Government between November, 2000 and May, 2001 at Saugor with a payment of ₹ 25/-. The land had been taken for construction of Memorial of his brother, Late Sepoy Hawa Singh. The entire episode leading to award of punishment by sentencing officer to three years rigorous imprisonment, which was mitigated to two and a half years and later quashed, on the directions of Ministry of Defence, was because of the officer's desire to create a Memorial for his brother. The Department of Military Affairs have, thus, proposed that an appropriately sculpted bust of the martyr may be gifted and installed at the officer's native village in Jhunjhunu District of Rajasthan at a prominent place which may be provided by the State Government/ Local Administration. The same will be done in a military ceremony befitting the occasion which could bring about closure of the case and fulfil the original desire of the officer.

29. The Committee are extremely glad that the Department of Military Affairs have exhibited a high degree of sincerity, concern and sensitivity by way of offering an

exceptionally rare proposal to install a sculpted bust of Late Sepoy Hawa Singh, brother of Colonel (TS) (Retd.) Ran Singh Dudee, at his native village in Jhunjhunu District of Rajasthan in a military ceremony befitting the occasion. In this context, the Committee, with all humility at its command, wish to applaud the Highest Authority in the Department of Military Affairs, who was not only candid to discuss the entire case, circumstances and the remotest preponderance of probability of dispensing justice to the officer by the then Authorities concerned, but also agreeable to again go through the overall career-related grievances of the officer concerned as well as enhancing the motivation and a sense of justice amongst the rank and file of our decorated Defence Services. In this backdrop, the Committee wish to urge the Department of Military Affairs to prescribed a specific timeline to formalize the said proposal, in consultation with Colonel (TS) (Retd.) Ran Singh Dudee so that any remaining dissatisfaction which might be felt by the officer is appropriately addressed. The Committee would await specific action taken by the Ministry of Defence (Department of Military Affairs) in the matter.

NEW DELHI;

27 August, 2020

5 Bhadrapada, 1942 (Saka)

DR. VIRENDRA KUMAR,
Chairperson,
Committee on Petitions.

ANNEXURE-I

E-4566019/19/COR



216, Block - B,
Parliament House Annexe Extension
New Delhi-110001
Tel. : 011-23035736
Telefax: 011-21410286

RAJENDRA AGRAWAL

M.P. (Lok Sabha)

Meerut - Hapur (U.P.)

CHAIRPERSON

Committee on Government Assurances

MEMBER

Panel of Chairpersons, Lok Sabha

Standing Committee on Human Resource Development

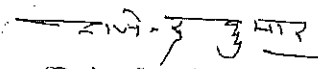
Ref. : D-355/2019

Date : 06.12.2019

Respected Sir,

Please find enclosed three petitions (Promotion, Compensation and Restoration) in respect of IC-47908F Colonel time scale Ran Singh Dudee retired for the assessment of the Committee whether the individual is adequately compensated or some law is required to be made by the Parliament for the illegal and unjust court martialled officers.

With Regards


(Rajendra Agrawal)

The Chairman

Parliamentary Committee for Petitions.

Parliament House, New Delhi

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Delhi Residence : 201, Narmada Apartment, Dr. Bishambhar Das Marg, New Delhi - 110001.

Meerut Residence : 135, Chanakyapuri, Shastri Nagar, Meerut - 250004 (U.P.) Tel.: (0121) 2769955

Email : rajendra.agrawal51@gmail.com; rajendra.agrawal@conced.nic.in

From:-

Mrs Suman Dudee Wife of
IC-47908F Col Ran Singh Dudee
603 Queen Tower NRI City GH-I
Pari Chowk Greater Noida 201310

प्रश्नों मासिक प्रति
21 फरवरी को
पार्लियामेंट के अफसर पर
दिये
6/12/19

The Chairman
Petition committee of Parliament
Parliament House New Delhi -110011

Gross Injustice by army and Ministry of Defence/
malafidely denial of all consequential benefits as per
rule granted by the Ministry of Defence vide order
dated 20 Nov 2013

ADD. D. 2013
6/12/19

F's Dept.
6/12/19

CPS

Respected Sir,

1. That Col R S Dudee had filed a statutory complaint against the illegal and malafide actions of the superior authorities which was to be decided by the statutory authority i.e. Ministry of Defence under Army Act -27. Pending decision on statutory complaint Army had no power to proceed against him but the superior officer had malafidely hidden the complaint from the Government and illegally forced him to face the trial.
2. That the General Court martial proceedings depend on the summery of evidence thus summery of evidence is prelude and part of the court martial proceedings. The statutory complaint was also submitted in Summery of evidence which is matter of record from page 243 to 298 despite that the officer was illegally forced to face the General Court martial

proceedings without deciding the statutory . The prayers made in the Statutory complaint are reproduced below as,

" 8. Redressal Sought

- (a) Quash, set aside and remove from records all discipline and vigilance ban imposed so far.
- (b) Quash, set aside and remove from records, punishment awarded in 1990, i.e. Displeasure non recordable and reprimand.
- (c) Quash, set aside and remove from records the ACRs for the year 1989, 1992, 1994 and 1995.
- (d) Quash set aside and remove from the record Arms and Ammunition Course serial No. 7 course grading and restriction imposed. Treat the grading as 'c' without restriction.
- (e) Status quo be maintained of 20 sept. 2002 stay order of MP High Court. (informed to CO on 26-9-02 and submitted in Statutory complaint dt. 15-10-05) Annual/reverse all actions after 20 Sept.2002 quash set aside and remove from record all actions after 20th Sept. 2002. Like charge sheet dt. 27-11-2002. 27-5-2003 and censure order by GOC Dt. 18 April 2003
- (f) Post the complainant out of Sagar.
- (g) Promote the complainant to the rank of the Lt. Col based on the ACRs of 1996, 2001 and 2002 if selection board takes place in June 2004 or promote him to the rank of Lt Colonel along with his course mates if Bagga Committee implemented.
- (h) Prevent the complainant from any further loss and harassment as the authorities are not fair and impartial for example Maj. Subodh Shukla of the same unit applied for the land from MP Government without permission commanding officer has not been charge sheeted contrary the complainant is being maliciously prosecuted for the land which applied with the prior permission of commanding officer. The authorities misusing their power are investigating the matter which is exclusive jurisdiction of revenue court under section 257 of MP land revenue code and also grant any other relief deemed just and proper by the Hon'ble defence Ministry."

3. That during the GCM proceedings at the initial stage he had filed an application dated 18 Nov 2004 Special plea to the Jurisdiction under Army Act-51 requesting the incompetence of the Court martial to proceed unless the Statutory complaint is decided. The application is a matter of record in the GCM proceedings Exhibit -6 page from 97 to 115 the relevant portion of the letter is reproduced below,

9. NO JURISDICTION BECAUSE OF NON DISPOSAL OF MY STATUTORY COMPLAINTS WHICH ARE PART OF SUMMARY EVIDENCE.

The summary should have been stopped till my statutory complaints are decided. Now till the time they are decided this court has no jurisdiction.

Summary of Evidence During Pending of

A prima facie case emerged against the petitioner after the matter was investigated by Court of Inquiry. The disciplinary proceedings were thereafter initiated for the purposes of which he was attached to ASC Centre (South) Bangalore. The petitioner filed a statutory complaint under sec. 27 of the Army Act where in he made several allegations against a number of connected with the enquiry in question. While the High Court declined to interfere with the order for the attachment of the petitioner it directed the Union of India to dispose of the statutory complaint within 45 days. Thereafter the petitioner prayed that pending disposal of the statutory complaint, the sub Area commander ordered recording the summary of evidence against him to proceed be held illegal.

Held, the contention of the respondents that recording of summary of evidence has nothing to do with the statutory complaint be accepted as much depends upon the decision on the complaint. Recording of Summary of Evidence ordered to be stayed till disposal of the statutory complaint. (Order dated 25 Feb 1989 and 21 Apr 1989.

Agarwal BK Maj-V. UOI: Karnataka High Court WP No. 17423 of 1988."

4. That a glaring mistake had been done and the innocent officer was malafidely convicted and sent to Jail for 2-1/2 years rigorous punishment copy of the confirmation order by Lt Gen BS Takhar dated 21 Oct 2004 is reproduced below,

CONFIRMATION MINUTE OF THE GENERAL OFFICER COMMANDING IN CHIEF, SOUTHERN COMMAND ON THE GENERAL COURT MARTIAL OF IC-47908F MAJOR R S DUDEE OF 36 INFANTRY DIVISION ORDNANCE UNIT ATTACHED TO 109 RAPID (STRIKE) ENGINEER REGIMENT.

I confirm the findings of the court on the first, second and fourth charges and do not confirm the finding on third charge. I also confirm the findings of the Court on the 'plea-in-bar' which is not proved.

I confirm the sentence but remit six months out of three years of imprisonment awarded by the Court.

I direct that the sentence of Rigorous imprisonment shall be carried out by confinement in civil prison.

The accused is recommended Division 'B' (or II) while undergoing sentence in civil person.

Signed at Delhi on this Twenty first day of October 2005.

Sd/-
(Balraj Singh Takhar)
Lieutenant General
General Officer Commanding-in-Chief

5. That he had filed appeal under Army Rule 164, the prayers asked are reproduced,

"7

PRAYER

It is therefore most humbly prayed that the Hon'ble authority pleased to call for the record of the matter and after examining the same be pleased to quash and set aside the impugned order of confirmation of sentence dt. 21.10.2005 and after quashing the same be further pleased to pass appropriate orders restoring the status of petitioner awarding him all the consequential benefits.

Yours faithfully

Bhopal
Dt. 10.01.2006

(Maj RS Dudee)"

6. That the appeal was decided contrary to the liberty of personal hearing provided by the MP high Court. It was decided at his back when he was in the Jail. The Army by hiding the material facts from MOD managed the rejection order which is reproduced below,

"No.C/06270/SC/345/AG/DV-2/1177/06/D(AG)

Government of India
Ministry of Defence
New Delhi, the June, 2006

ORDER

WHEREAS, Ex IC-47908F Major Ran Singh Dudee of 36 Infantry Division Ordnance Unit (DOU) attached with 109 Rapid (Strike) Engineer Regiment was tried by a General Court Martial (GCM) on four charges. First charge was laid under Army Act Section 52 (f) for SUCH AN OFFENCE AS IS MENTIONED IN CLAUSE(F) OF SECTION 52 OF THE ARMY ACT, WITH INTENT TO DEFRAUD and second, third, and fourth charges were laid under Army Act Section 63 for AN ACT PREJUDICIAL TO GOOD ORDER AND MILITARY DISCIPLINE and that the said officer pleaded 'Not Guilty' to all the charges. That after the trial the Court found him 'Guilty' of the first and third charges but 'Not Guilty' of second and fourth charges and sentenced him to be cashiered and to suffer rigorous imprisonment for three years'.

WHEREAS, the General Officer Commanding-in-Chief (GOC-in-C), Southern Command, on 21 October, 2005 confirmed the findings on the first, second and fourth charges but did not confirm the findings on the third charge, that the GOC-in-C, Southern Command further confirmed the sentence awarded by the Court in the GCM but remitted six months out of three years rigorous imprisonment awarded to the said Ex Maj RS Dudee.

WHEREAS, the said sentence so confirmed was promulgated on 24 October, 2005.

WHEREAS, the said Ex Maj RS Dudee has submitted a post confirmation petition (PCP) dated 10th January 2006 under Army Act section 164(2) against the findings and sentence of said GCM.

WHEREAS, the said petitioner in his petition has raised the Issues that the Court of Inquiry did not comply with the mandatory provisions of Army Rule 180; that, despite non compliance of Army Rule 180, the charges were framed in violation of Army Rule 22 without giving him opportunity to cross examine the witnesses and produce witnesses in his defence; that, the Summary of Evidence (S of E) was recorded in violation of Army Rule 23, wherein the officer recording S of E discarded the written statement of Shri SC Arya; that, the evidence collected during S of E was not sufficient to prima facie support the charges and that the convening authority in violation of Army Rule 37 (2) without application of mind ordered his trial on 06th October, 2004, the day when the charge sheet was signed by the Commanding Officer; that, his trial commenced without complying with the provisions of Army Rules 41 and 42 wherein the court was required to satisfy itself about the propriety of compliance of all rules of pretrial procedure, namely, compliance of Army Rules 180, 22, 23 and 28 to 30;

that, the defending officer of his choice, Col Anil Kaul, was not detailed and Lt Col Dilbagh Singh having no legal background, knowledge of Army Rules and criminal jurisprudence was detailed in gross violation of Army Rule 95 (2); that, the trial was intentionally kept at a place where the petitioner was denied legal assistance; that, his trial was barred by period of limitation prescribed under Army Act Section 122 and his plea in bar under Army Rule 53 was, rejected illegally on the wrong advice of the Judge Advocate; that, the special plea to the jurisdiction was also rejected by the GCM ignoring the legitimate ground that the charges were not framed in accordance with Army Rules; that, the Judge Advocate acted in a partisan manner and aided the prosecution; that, Court went to the spot inspection on the request of prosecution without any legal necessity or authority; that, after close of the prosecution case the petitioner raised 'plea of no case' which was rejected illegally and mechanically under the influence of Judge Advocate who participated in the Court's proceedings; that, the Court examined SC Arya and Maj Gen KS Sandhu as Court witnesses to supplement the case of the prosecution; that, the petitioner's application to recall Shri Govind Singh Lodhi (PW-10), Col Devender Yadav and other witnesses was illegally and arbitrarily rejected; that, the petitioner was denied fair opportunity to interview the witnesses before their examination and produce the defence witnesses; that, the Court found the petitioner 'Guilty' on the basis of ill founded surmises and conjectures ignoring the substantial evidence on record; that, the sentence awarded to the petitioner is extremely harsh and excessive; that, the petitioner was denied the opportunity to prefer Pre-Confirmation petition as the defending officer and the clerks were withdrawn; that, the confirming authority confirmed the findings of the Court on the plea in bar and also the findings and sentence in a mechanical manner without due application of mind and appreciation of evidence.

WHEREAS, the General Court Martial proceedings and other relevant records reveal that the provisions of Army Rule 180 were duly complied with and the petitioner was afforded full opportunity to be present throughout to cross-examine the witness and produce witness in his defence; that, the tentative charge sheet was prepared on the basis of the statement of witnesses recorded at the Court of Inquiry (C of I) wherein the petitioner was afforded full opportunity in terms of Army Rule 180 and the Commanding Officer dispensed with the hearing of witnesses as provided vide Army Rule 22 (1). Despite making all efforts, the attendance of Shri SC Arya could not be procured to depose before the S of E and in reply to the questionnaire, he only stated that he, being Presiding Officer of the Revenue Court, cannot be called as witness. Therefore, the evidence of the prosecution was closed and petitioner was afforded an opportunity to make statement and produce witness in his defence. The S of E alongwith the application for trial was submitted to the convening authority who examined the same.

In consultation with DJAG, 21 Corps. The evidence recorded at the S of E prima facie substantiated the charges against the petitioner. The convening authority had, thus, applied his mind and the provisions of Army Rule 37 (2) were duly complied with. Army Rules 41 and 42 cast upon duty on the Court to satisfy about the charges, subsection of the accused and the constitution of the Court. Rules 41 and 42. The Court while considering special plea to the jurisdiction raised by the petitioner also considered all aspects of compliance of Army Rules 180; 22 and 23 and satisfied itself about due compliance of these rules; Col Anil Kaul was not available to be detailed as defending officer due to exigencies of service and, therefore, Maj SM Kaul of 6 CAV was detailed as defending officer. Subsequently, at the request of the petitioner Lt Col Dilbagh Singh was detailed as his defending officer; the place of trial was decided in view of the commission of the offence and availability of witnesses and apparently it was not to deprive

the petitioner of the legal assistance. The petitioner was afforded opportunity to lead evidence in support of his plea but he did not produce any evidence. The complaint dated 28 July 2001 submitted against the petitioner did not disclose the details of the actionable wrongs against him and, therefore, the same cannot be treated as the date for the commencement of the time for the purpose of Army Act Section 122. The actionable wrongs became clear and came to the knowledge of the authority competent to initiate action when the Staff C of I was finalized by the GOC, 6 Inf Div on 15 May 2002 and the said date is the date for the purpose of calculating the time in terms of Army Act Section 122. The trial of the petitioner commenced on 19 October 2004 and thus, the same was not barred by the period of limitation. All the grounds raised by the petitioner including that the charges were barred by the period of limitation in terms of section 122 were duly considered by the Court. The Court after hearing both the parties and advice of the Judge Advocate found no merit in the plea and therefore, rejected the same. The confirming authority duly applied its mind while confirming the finding of the Court on the plea and rejected the complaint submitted by the petitioner; there is nothing on record to suggest that the Judge Advocate acted in a partisan manner or aided the prosecution. As per record of GCM and Judge Advocate performed his duties impartially in accordance with the provisions of Army Act and Rules. As regards the legal necessity or authority for the Court going for spot inspection, the court in terms of Army Rule 82 (2) can be adjourned from time to time and place to place and may, when necessary, view any place. Thus, the inspection of the site by the Court and examination of witnesses at the site was in conformity of the provisions of law, the 'plea of no case' was duly considered by the Court on merits and rejected because the charges were prima facie substantiated by evidence on record. There is nothing to suggest that the Judge Advocate voted or influenced the Court for this decision. His presence in the Court is mandatory at all times under Army Act Section 129 read with Army Rule 80. Shri SC Arya and Maj Gen KS Sandhu were examined by the Court in terms of Army Rule 143 in the interest of justice and fair play and not to supplement the cause of the prosecution. As regards to the application of the petitioner to recall Shri GS Lodhi (PW-10), Col Devender Yadav and other witnesses, the GCM duly considered the applications of petitioner (Exh 55 and Exh 56) in terms of Army Rule 143 and rejected the same on merit. The petitioner's request to interview the prosecution witness being in contravention of the provisions of Army Rule 33 (4), the same was rejected. He was given fair and due opportunity to interact with defence witnesses before their production in the Court. GCM proceedings and brief reasons of the Court recorded in support of its findings of 'Guilty' on the first charge are well supported by the admissible, reliable and cogent evidence on record. The sentence awarded to the petitioner by the GCM and remitted by the confirming authority, is just legal and appropriate. The defending officers and the clerks were detailed to assist the petitioner during the proceedings of the Court Martial and responsibility of subsequent preparation and filing of pre-confirmation petitions was that of the petitioner and it was his own voluntary decision not to prefer such a pre-confirmation petition. There is nothing on record to suggest that he ever asked for any assistance to prepare the pre-confirmation petitions. The confirming authority has duly analyzed the plea in bar raised by the petitioner and applied his mind on the findings of the Court and after having been satisfied of propriety of the decisions of the Court, confirmed the findings of the Court on first, second and fourth charges and did not confirm the finding on third charge and partially remitted the sentence while confirming it.

WHEREAS, the Central Government is satisfied that the findings of the Court as confirmed are supported by cogent and reliable evidence on record and that considering the nature and gravity of the offence of which the petitioner stands convicted, the sentence awarded and partially remitted is just and legal

and there is neither any mandatory requirement for granting any personal hearing at this stage nor the same has been considered necessary.

NOW, THEREFORE, the Central Government hereby rejects the petition dated 10th January 2006 submitted by the said Ex IC-47908F Maj Ran Singh Dudee, it being devoid of merit.

(Diwakar)
Under Secretary to the Government of India

Copy to :-

The Chief of the Army Staff (3 copies) - With the request that the order may be communicated to the petitioner through staff channels and necessary action as per laid down rules on the subject be taken."

7. That after coming out of the jail he had filed the appeal under Army Act 165 against the GCM proceedings to be annulled being illegal and unjust. The prayer asked is reproduced below,

"19

36. I preferred appeal in WP No. 15501/2005 before the Hon'ble High Court of MP at Jabalpur challenged the GCM proceedings. However the same was disposed of vide order dated 02-01-2006 directing me to exhaust the other remedies under AR 164 (2) and also directing the respondents therein i.e. Union of India to grant personal hearing to me.

37. My appeal u/s 164 (2) was rejected vide order dated 23.06.2008 (Copy enclosed as Annexure 15) wherein the matter has been dealt in a sketchy manner and all the issues raised by me has not been dealt with and the actions taken by the Army authorities have been relied upon without going into the legal provisions and the law declared by the Hon'ble Supreme Court on these legal issues.

38. I request yourself to kindly allow me the personal hearing as directed by the Hon'ble High Court of M.P. Vide order dated 02.01.2006 vide my letter dated 11.10.2006 and review of the decision on post confirmation petition. During Mar 2007 also I reminded regarding grant of personal hearing.

39. After waiting for considerable time I am preferring this appeal under section 165 of the Army Act for your consideration and justice. I also request you to kindly obtain the proper legal advice from Ministry of Law, (and not from the

JAG department of the Army since they shall never go against the deeds of their own officers) on the issue before disposing the petition.

Dated 07-07-07

(R S Dudee)
Major was made
during GCM actually (Lt Col)"

8. That finding no response on the appeal he was compelled to file writ petition No 4681/2008. When the AFT Came in existence finally this was transferred to Armed Forces Tribunal Kolkatta as TA 84/2011. The prayers asked in the petition are as below,

"IN THE HIGH COURT OF DELHI AT NEW DELHI
(CIVIL ORIGINAL EXTRAORDINARY JURISDICTION)
WP(C) NO. 4681/2008

IN THE MATTERS OF :

Ran Singh Dudee

..... Petitioner

Vs.

Union Of India &Ors.

..... Respondents

MEMO OF PARTIES

IN THE MATTER OF :

Ran Singh Dudee
S/o Late Shri Ramjilal Dudee
C/o Shri AK Gupta,
203, Anupam Apartments ,
MB Road, Saket, New Delhi-62

..... Petitioner

Versus

1. Union Of India
Through the Secretary
Ministry of Defence
South Block,
New Delhi-110011
2. Chief Of the Army Staff,
Integrated HQ of MoD (Army)
DHQ PO, New Delhi- 110011
3. The GOC – in – C
Southern Command
Pune, Maharashtra
4. The Govt. of Madhya Pradesh
Through Principal Secretary
Department of Revenue
Bhopal, M.P.

..... Respondents

DATE : 30/06/08
Place : New Delhi

Sd/- xxx xxxxxx
Rajiv Manglik
Advocate
High Court of Delhi

PRAYER :

In view of the facts and circumstances stated in above, it is most respectfully prayed that their lordship would be pleased to issue appropriate writ:

(a) *To call for the records of the General court martial in respect of the petitioner ; and*

(b) *To quash and set aside proceedings of the GCM and quash and set aside the impugned orders dated 16.5.2005 announcing of sentence by GCM and order dated 21.10.2005 passed by confirming authority and order dated 23.06.2006 rejecting the post confirmation petition; and/ or*

(c) *To direct the respondents to reinstate the petitioner into the service with all consequential benefits including back wages and promotion to the respective rank*

(d) *To award exemplary costs in favour of the Petitioner.*

(e) *To pass such other and further orders which their Lordships may deem fit and proper in the existing facts and circumstances of the case.*

Sd/- xxx xxxxxx
PETITIONER
Through

DATE :

Place : New Delhi

Rajiv Manglik
Advocate
High Court of Delhi
BL - 122, L-Block,
Hari Nagar,
New Delhi - 110064"

9. That on direction of the AFT the pending appeal under Army Act 165 was decided and before deciding the clarification on the respective rank was asked which was replied by him on 25 Oct 2013, this letter is also part of the petition. The letter /final petition dated 25 Oct is reproduced,

"To,

The Hon'ble Secretary
Ministry of Defence
South Block
New Delhi-11

From,

Ran Singh Dudee
603, Queen Town, NRI City
Greater Noida-201310

Sub : PRAYER IN THE APPLICATION UNDER ARMY ACT 165 DATED 07 JUL 2007 TO BE DECIDED BEFORE NEXT DATE OF HEARING, DIRECTED BY HON'BLE AFT KOLKATA IN TA NO 84/2011 ON 23 OCT 2013

Respected sir,

1. Please refer my prayer in the court for reinstatement in respective rank and prayer for Justice in the application under AA 165.

2. I was an outstanding offr and on consequent to exposure of corruption by me the organization instead of awarding me has harassed & victimized me. I was patriot and wanted to participate in OP Vijay in Kargil, when I was not allowed I had written a letter to then GOC-in-C Lt Gen S Padmanabhan, which has resulted into my present status.

3. In view of above my entire past carrier is full of bias and malafide including punishment, CRs and courses. The record from 19 Sep 1981 to till date has been explained in WP as well as in petition under AA-165 and part of GCM proceedings, therefore the justice can only be granted to me by annulling the GCM proceedings (containing entire past records) apart from annulment of punishment unlike in the Order 30 Mar 2000 where only the convening order of GCM was annulled.

4. As far as respective rank is concerned the selection board No 2 for my course mates of Armd Corps has taken place in Sep 2013, Ordnance to which I belong will be conducted any time in the year to come and the course at this age, service and rank is national defence course. Therefore, I had to be promoted to the rank of Brigadier and detail on NDC in 2016 before I am over aged. This can only be possible when I am granted all consequential benefits unlike in the Order dated 30 Mar 2000 where in as consequent was to be posted out.

Thanking you

Your Sincerely
Sd/-x-x-x- 25/10/2013
(Ran Singh Dudee)"

10. That this is the cardinal principle of the Law that all connected matter are to be clubbed together and decide together therefore the Ministry of Defence had decided the complete petition from statutory complaint dated 22 Oct 2003 to letter dated 25 Oct 2013, the order dated 20 Nov 20013 is reproduced below,

"No C/06270/SC/345/AG/DV-2/3702/D (AG)
Government of India
Ministry of Defence
New Delhi, the 20th November, 2013.

ORDER

1. WHEREAS, in deference to the Orders dated 26th March 2012, 10 the April 2013, 23rd July 2013 and 23rd October 2013 by Hon'ble Armed Forces Tribunal (AFT), Regional Bench of Kolkata in Transfer Application No.84 of 2011, directing the Central Govt. to take a decision in respect of the petition by IC-47908F Ex Major Ran Singh Dudee dated 07 Jul 2007 addressed to the Secretary, Ministry of Defence under section 165 of the Army Act and to inform the thereof to the Tribunal, the said petition has been examined along with the proceedings of the General Court Marital.

2. WHEREAS, the petitioner, the said IC-47908F ex Major Ran Singh Dudee formerly of 36 Infantry Division Ordnance Unit attached with 109 RAPID (Strike) Engineer Regiment for the trial by GCM, was on 19 October 2004 arraigned before the said Court Martial on four charges as under:-

(a) The first Charge was laid under Army Act Section 52(f) for 'SUCH AN OFFENCE AS IS MENTIONED IN CLAUSE (f) OF SECTION 52 OF THE ARMY ACT, WITH INTENT TO DEFRAUD', the particulars of the charge averring that 'he at Saugor between November 2000 and May 2001, which came to the knowledge of the authority competent of initiate disciplinary action on 15 May 2002, having progressed a case for procurement of 8.64 hectares of Government land costing Rupees 6.75 lakhs near village Raipura, District Saugor (Madhya Pradesh) to the Defence Department for the purpose of immortalisation of forgotten was hero Late Sepoy Hawa Singh of 9 JAT, with intent to defraud, proceeded to obtain the land in his favour for a sum of Rupees 25/-.

(b) The Second Charge was laid under Army Act Section 63 for 'AN ACT PREJUDICIAL TO GOOD ORDER AND MILITARY DISCIPLINE', the particulars averring the 'he at Saugor, on 09 November 2000, which came to the knowledge of the authority competent to initiate disciplinary action on 15 May 2002 while performing the duties of Officiating Commanding Officer of 36 Infantry Division Ordnance Unit, improperly wrote Demi Official letter bearing No 47908/RSD/Pers/DO dated 09 November 2000 addressed to Shri BR Naidu, Collector and

District Magistrate, Saugor, seeking therein allotment of 8.64 hectares of Government land near village Raipur, Saugor district'.

(c) The Third Charge was laid under Army Act Section 63 for 'AN ACT PREJUDICIAL TO GOOD ORDER AND MILITARY DISCIPLINE', the particulars averring that 'he at Saugor, on 14 November 2000, which came to the knowledge of the authority competent to initiate disciplinary action on 15 May 2002, while performing duties of Administrative Officer of 36 Infantry Division Ordnance Unit, improperly wrote Demi Official letter bearing No 47908/RSD/Pers/DO dated 14 December 2000 addressed to Shri BR Naidu, Collector and District Magistrate, Saugor, seeking therein allotment of 8.64 hectares of Government land near village Rajpura, Saugor district.

(d) The Fourth Charge was laid under Army Act Section 63. for 'AN ACT PREJUDICIAL TO GOOD ORDER AND MILITARY DISCIPLINE' the particulars averring the that he at Saugor, between November 2000 and May 2001, having procured Government land as averred in the first charge, which came to the knowledge of the authority competent to initiate disciplinary action on 15 May 2002, improperly failed to submit the report on the acquisition of the said immovable property, contrary to Special Army Order 3/S/98, which enjoins that such reports must be submitted forthwith but in no case later than one year from the date of completion of the transaction'.

3. WHEREAS, the petitioner pleaded 'Not Guilty' to all the charges. □After the trial, the GCM found the petitioner 'Guilty' of the first and third charges but 'Not Guilty' of the second and fourth charges, and sentenced him to be cashiered and to suffer rigorous imprisonment for three years.'

4. WHEREAS, on 21 October 2005, the General Officer Commanding-in-Chief (GOC-in-C), Southern Command, confirmed the findings on the first, second and fourth charges but did not confirm the findings on the third charge. The GOC-in-C, Southern Command further confirmed the sentence awarded by the GCM but remitted six months out of the three years' rigorous imprisonment awarded by the Court.

5. The petitioner has raised mainly the following issues in the aforesaid petition:-

(a) Petitioner had applied for the land from civil authorities for immortalisation of the name of his brother, Late Sepoy Hawa Singh of 9 JAT who laid his life for the nation during 1971 war, by making a war memorial in the name of his brother or some other connected activity to immortalise the name of the War Hero.

(b) The land was allotted by the civil administration after following their due procedure and the petitioner was only concerned with immortalisation of the name of his brother and it was immaterial in whose name the land is allotted by the civil administration. Moreover, no complaint has been filed by the civil administration for any fraud committed by the petitioner for grab of the land or cheating by the petitioner for allotment of land and thus the Army has no jurisdiction over the land allotment by the state Government to the petitioner.

(c) The trial of the officer by the GCM was barred by limitation under section 122 of the Army Act as the knowledge of the allotment of the land by the officer was acquired by the GOC 36 Inf Div from the pseudonymous complaint dated 10.01.2001 and the letter 28.07.2001 addressed to GOC by Additional Collector & Additional District Magistrate, Saugor. Further, the Commanding Officer, also competent authority under section 122 of the Army Act, had the knowledge from the date of his application, i.e. 09 December 2000.

(d) The petitioner was not provided the proper opportunity for his defence as he was not given the Defending Officer of his choice, Col Anil Kaul and also the defending officer provided to him was being pressurised by the GCM and warned by the DJAG for taking objection for the defence and sought to withdraw.

(e) The first charge was not forming part of the tentative charge sheet and thus neither Army Rule 22 has been complied in respect of the first charge nor any application of mind on the evidence under Army Rule 47 (1) while considering the evidence in respect of the first charge.

(f) The petitioner had not committed any fraud or had any intention of defraud as he immediately the allotment of land to Commanding Officer, 9 JAT, vide his letter dated 29 May 2001, which was duly acknowledged by him and no wrongful gain has be caused to the petitioner.

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6. The complete records of the case has been examined in detail including Court Martial proceedings and the opinion rendered by the learned Solicitor General in the matter. After considering all aspects of the petition and viewing it against the redressal sought, the following facts have emerged:-

(a) It is observed that the petitioner wrote multiple letters requesting for allotment of land for construction of a war memorial. The petitioner initially approached the then Commanding Officer of 9 JAT (unit of the petitioner's late brother), Colonel S.B. Chavan, to apply for land to construct a war memorial for his Late brother. Accordingly, on 29-7-2000, Colonel SB Chavan wrote a letter to the District Collector, Jhunjhunu (Rajasthan) for allocating a suitable piece of land. Vide letter dt 7-11-2000, the petitioner also sought permission of Colonel Devinder Singh Yadav, the then Commanding Officer of 36 Infantry Division Ordinance Unit at Saugor (where the petitioner was posted at the time), for applying for another piece of land for constructing the war memorial (i.e. the land in question). Vide letter dt. 14.12-2000, the petitioner, in his capacity as Administrative Officer of 36 Infantry Division Ordinance Unit through his Commanding Officer, approached the Collector/District Magistrate, Saugor for allotment of the land in question.

(b) On 5-3-2001, Colonel SB. Chavan issued an 'open-ended authority letter' authorizing him to take possession of the land given by the Government for war memorial, etc and also authorizing him to take all necessary decisions and actions as he deems fit and suitable. As per challan dt. 1-4-2001, a sum of Rs 25/- was deposited by the Applicant as cost of the land.

(c) According to a letter dt. 5-5-2001, Mr S.C Arya (Addl Collector, Saugor, MP) clarified that 9 JAT was the owner and title holder of the land allotted for Veer Saheed Hawa Singh and that the petitioner was handed all necessary documents and possession of the land for further necessary action.

(d) However, on 6-5-2001, the petitioner informed Mr. Arya that since 9. JAT was likely to move out of Gwalior, it was decided that the land would be given back to the Government in the form of an immortalization trust and the land would be utilized for social service.

(e) On 20-7-2001, Mr Arya certified that the land was given back to the Government in the form of a trust and no allotment stood in the name of the Applicant.

(f) On 9-3-2002, Colonel S.B. Chavan requested for cancellation of the allotment of land made for constructing the war memorial, stating that "it appears that my letters under reference have been used for allotment of land for memorial of Late Sepoy Hawa Singh at Saugor (MP) which never intended. As such these letters may please be treated as cancelled and action taken on these, if any may please be reversed."

(g) On 15-5-2002, disciplinary action was directed against the petitioner by the GOC 36 Infantry Division.

(h) On 18-7-2002, the petitioner informed Mr. Arya that he did not wish to form as trust and requested him to cancel the allotment of the land.

(j) Based on the above, it is not clear as to how 'wrongful gain' was caused to the petitioner and how the petitioner acted with intent to defraud. On 6-5-2001, the petitioner made it clear that the land would be given back to the Government. He is not in possession of the land, he has not used it for his personal gain, he has not constructed any memorial on it. There is no conclusive evidence of any collusion between the petitioner and the Civil Officials of District Administration, Saugor. (Particularly, Mr. S.C. Arya), the authenticity of the aforementioned communication is not in dispute and the Civil Officials of District Administration, Saugor have not come forth with any complaint in this respect. It is relevant to mention here that a magisterial inquiry conducted in this respect, based on an anonymous complaint dt. 10-1-2001, also concluded that the land was allotted for Shahid Hawa Singh Memorial with due procedure. Thus, it is not clear as to how this constitutes an offence under Section 52 (f).

(k) As regards the issue of limitation, the issue has been considered by the GCM as well as the Confirming Officer. As per Section 122 of the Army Act, the period of limitation for trial by court-martial is 3 years from:

- (i) The date of offence; or
- (ii) Where the commission of the offence was not known to the person aggrieved by the offence or to the authority

competent to initiate action, the first day on which such offence comes to the knowledge of such person or authority, whichever is earlier; or

(iii) Where it is not known by whom the offence was committed, first day on which the identity of the offender is known to the person aggrieved by the offence or to the authority competent to initiate action, whichever is earlier.

(iv) The disciplinary action against the petitioner was directed on 15-5-2002 and the trial of the petitioner commenced on 19-10-2004. The GCM concluded that the actionable wrongs become clear and came to the knowledge of the authority competent to initiate disciplinary action, when the record of the Second Court of Inquiry was made available to the GOC 36 Infantry Division in the first week of May 2002. The authorities have considered 15-2-2002 as the date from which the period of limitation commences.

(l) It is observed that a Court Inquiry was first ordered by Colonel Devinder Yadav (Commanding Officer, 36 Infantry Division Ordnance Unit) on 7-7-2001 to investigate, inter alia, alleged fraudulent allotment of land to the Applicant, after receipt of 3 anonymous complaints. Based on the report of the Court Inquiry, on 19-7-2001, the Commanding Officer held that the allegations were false and baseless. Around the same time, another anonymous complaint dt. 10-1-2001 was under civil investigation by magisterial inquiry. The report of the magisterial inquiry concluded that the land in question was allotted for Shahid Hawa Singh Memorial with due procedure and the anonymous complaint was infructuous. Subsequently, a second Court of Inquiry was convened on 3-11-2001 to investigate into the circumstances under which the allotment of land was applied for without permission of the competent military authorities and whether any existing orders were violated. Based on the report of the second Court of Inquiry, disciplinary action was initiated against the Applicant.

(m) Even assuming that an offence has been committed under Section 52(f), it cannot be said that 15-2-2002 has to be considered as the date from which the period of limitation commences. For the purpose

of computing limitation, what is to be considered is the date of knowledge' and not the date of 'actionable knowledge'.

(n) Since the first Court of Inquiry was ordered to be convened on 7-7-2001, it can be said that the knowledge of the alleged offence (i.e. fraudulent allotment of land) was gained on or before such date. The petitioner's trial commenced from 19-10-2004, which is years beyond such date. Thus, the GCM proceedings are barred by limitation.

(o) It is also an admitted fact that the purpose of the allotment was only to build a war memorial, which has not been done by virtue of surrender of the land to the Government. Hence any wrongful pecuniary gain cannot be concluded. From an overall perspective, the intent of the petitioner cannot be said to be something which is forbidden by law. It was only to perpetuate the memory of his brother.

7. Taking all the above facts cumulatively, the findings of the GCM are unacceptable. The finding of the GCM as confirmed requires interference by the Central Government.

8. Now, therefore, the Central Government, under the powers conferred under section 165 of the Army Act, 1950 do hereby annul the proceedings of the General Court Martial findings and sentence dated 16th May, 2005 and confirmation order dated 21st October 2005 being illegal and unjust and allow the petition filed by IC-47908F, Major Ran Singh Dudee, of 36 DOU Consequently the penalty imposed upon IC-47908F Ex Major Ran Singh Dudee of 36 DOU stands quashed and he is entitled to all consequential benefits as admissible under rules on the subject.

20/11/2013

Sd/-xxx
(Praveen Kumar)
Director of the Government of India

Chief of the Army Staff:

(3 copies)

Copy to:-

CGDA, New Delhi

PCDA (O), Pune

with the request that the order may be communicated to the petitioner through proper channels as per laid down rules on the subject.

11. That the statutory complaint under Army Act 27, appeal under Army Act 164 & 165, writ petition No 4681/2008(TA 84/2011) and the final petition dated 25 Oct 2013 pertains to malafide activities from time to time against one person hence the entire connected case was one petition and the petition was allowed.

12. That while deciding the statutory complaint it was found that the ACRs, course gradings and the punishments were biased and malafide because it was after he reported against the corruption and also within the non-reckonable period the remaining two AE reports were also biased because these were written after the pseudonymous complaint based on which malafidely convicted by GCM. However, no separate order was passed because the complaint was part of the GCM proceedings and the proceedings were annulled being illegal and unjust. Also, annulment of the past record was part of final petition dated 25 Oct 2013 which was allowed hence no separate order was required. The admission of the GCM that the summery of evidence is part of court martial proceedings. the page no 397 is reproduced,

"-397-

At 1230 hrs on 05 May 2005, the court adjourn until 0930 hrs on 06 May 2005.

At 0930 hrs on 06 May 2005, the court re-assemble, pursuant to adjournment, present the same members and Judge Advocate as on 05 May 2005.

The prosecution counsel submits that he has spoken to Mrs Indira Nair the Government counsel who represented the authorities in High Court at Jabalpur in WP No 3219/2004 and she has confirmed the contents of para 2 of the application dated 04 May 2005 submitted by the accused but she has also apprised that the undertaking given by her was only in respect of the proceedings of General Court Martial (GCM) that too in persuasion of the submission of the petitioner's counsel requesting for the GCM proceedings. The petitioner in his WP No 3219/2004 has raised issues only pertaining to Army Rules 180, 22 and 23. Therefore, even otherwise considering the wording used by the accused in para 2 of his submission, which he (prosecution counsel) does not dispute, all the documents forming part of proceedings i.e. Court of Inquiry and Summary of Evidence have already been supplied to him and the GCM proceedings have been supplied by the Hon'ble Court to him. Hence there is no other documents left to be supplied to him and the submission of the accused is not tenable. He also informs that the Hon'ble High Court has directed to complete the GCM proceedings within four weeks.

13. That similarly no separate order was passed for the rejection order dated 23-6-2006 passed in the petition under Army Act 164 because it was prayed in petition at serial (b) {WP NO.4681/2008(TA 84/2011)} and the petition was allowed.

14. That the entire petition was allowed that is why the clarification was sought from the officer as what has he demanded while praying promotion of respective rank and the same was granted. He had apprised that his course mates from armed corps had become Brigadier in 2013 and course mates from ordnance corps would become Brigadier in 2015.

15. That on one hand he was deprived to serve in the status and the other hand the officer was already person subject to army act therefore to compensate him as a special case his training /course as an officer in Indian Military Academy after selection in 1986 was treated as officer service and by granting

him the seniority of 1986 batch in 2013 itself his respective rank of Brigadier was approved.

16. That the order dated 20 Nov 2013 passed by the ministry of defense was placed before Armed Forces tribunal on 16 Jan 2014 where in the promotion to the respective rank was reiterated and directed to implement within six month which has attain the finality. It may be noted that neither the Government nor the AFT had ever asked to consider the officer for promotion rather they specifically directed to implement the respective rank.

17. That when the court or the government passes an order all other order/policy/conditions are automatically/ inherent stands waived off. When a specific order/policy /law is passed than General order/policy/law is not applicable, in this case the promotion of the order is governed by the order dated 20 Nov 2013 and no other promotion policy is applicable.

18. That for all fairness he should have been promoted to the rank of Brigadier, detailed on the NDC course and based on the performance his next promotion should have been decided but contrary to that a promotion board was held knowing well that neither the officer can be illegally court martialed nor the promotion policy is available/created one. Secondly when the past record was annulled therefore there was no basis to conduct the selection board.

19. That the selection board was carried out malafidely by reusing the annulled reprimand and the AE deliberately omitted the column of award because he was awarded two army commander commendations and one chief commendation where as the officer with whom he was compared had none. Despite he was higher in merit than the officer compared within still he was rejected. Further contrary to the Govt order and AFT order without compliance of the promotion to the respective rank he has been forced to retire. The AFT had extended the service till order is attain finality. Both the action of retirement and the selection board is malafide and needs to be set aside.

20. That he had alone been able to save 38.85 crore for which his GOC has been awarded AVSM where as the officer deserve the same if not higher. The SM for making the division fit for war from ammunition and missile point in Op Prakaram after parliament and VSM for depositing the same without any loss after the operation was called off both the award were not implemented despite Govt order of all consequential benefits therefore the committee may now pass the specific order of award of AVSM,SM,VSM .

21. That the officer had been deprived to serve the nation in uniform for 8 years and 80 days therefore all consequential all consequential allows him to serve additional 8 year and 80 days, as per rule the army officer can serve highest up to 62 years, since the officer was born on 01 Feb 1963 therefore the officer will retire on 31 Jan 2025.

22. The attention of the committee is drawn to representation of than Revenue Minister Shri Kamal Patel on 23 Jun 2006 copy reproduced,

"Kamal Patel

*Minister for
Revenue, Religious Trust
And Rehabilitation*

*B-5 Char Imli Bhopal
Phone 2430545, 2441377*

Do letter no 5099.

Bhopal dated 23-05-08

To,

*Shree AK Antony
Hon'ble Minister of defence
South block New Delhi*

Encroachment by Indian Army in the powers and functioning of the State Government of Madhya Pradesh to prosecute the innocent officer IC -47908F Maj Ran Singh Dudee The malicious prosecution of the officer is on the dictate of General to satisfy his false ego.

Respected Sir,

1. *I am constraint to write to the defence minister and the defence secretary when the file to defend the case no. 16867/06 union of India versus state of MP*

was referred. where an innocent major has been convicted for applying for the allotment of land belongs to the state of MP. Further the union of India has filed a petition in the High court of Jabalpur asking for the direction to Govt of MP to resend the innocent Officer to Jail for the period which was lawfully pardoned / remitted.

2. During my visit to Sagar as the minister for technical and medical education, I was told by the member parliament that he has written a letter on 22/01/2005 to the defence minister Shri Pranab Mukherjee complaining about the army actions to terrorise the civilian enclosing two letter of Munna & Baloo who were picked up by the army and made to depose as prosecution witness to prosecute the Officer.

3. Subsequently I came to know that Mr. S C Arya district Magistrate Harda had submitted a written Statement to the Summary of evidence which was excluded for the sole reason to achieve the aim of forcing the Officer to face the trial by General Court martial.

4. By Excluding the statement of Collector the officer was maliciously forced to face the trial. During trial the witness were picked up at gun point and made to depose to secure conviction the of the officer.

5. Mr. Munna and Baloo, after release from the custody of the Army, the accused major recalled both the prosecution witness to bring the truth on record but unfortunately the GCM body declined to recall them otherwise they could not have convict the innocent officer. Jail Mantry on 26/03/06 has written to the defence secretary to get the justice to the innocent Major.

6. Now on the behalf of union of India ministry of defence the sagar Army has filed a writ petition challenging the orders of pardon and remission. They want the innocent officer to undergo RI for the period of duty remitted / pardoned.

7. The ground taken by Army is that Major Ram Singh Dudee is well connected with the politician. Had Maj Dudee been connected with politicians he would have never allowed his court martial to take place and punish him. The Second ground taken is the power of central Govt. of pardon and remission under Army rule 179. This rule does not debar the Jail Act to not to pardon.

8. Contrary Army authorities have number of examples where is Army Officer when he is transferred to Jail he is governed by Jail Manual and not Army Act. Himachal Pradesh High Court had also held correct when one captain in the Jail of Himachal Pradesh was given pardon and remission as per jail Manual on 01-02-2007. The Jail Minister has again written The defence minister Shri Antony ji to know wealth the Govt has permitted to file the case on their behalf or army has done at their own level.

9. Shri Vijay Singh Defence Secretary was himself allotting the land to defence personal in Madhya Pradesh as per the Central Govt order 1964 & 67. And while he was home secretary he was also looking the department of Sainik Kalyan prior to his tenure as chief Secretary of MP. Similarly Mr Shekhar Dutt had also been doing what Mr Vijay singh has been doing in the state of Madhya Pradesh.

10. That Mr Sekhar Dutt was defence secretary since Aug 2005 than how has he allowed the innocent officer to transfer in the Jail in Oct 2005. Also how dare Army hiding from defence secretary filing WP on his behalf in Jabalpur High Court without his permission.

11. That the welfare letter of 1964 & 67 are available on the internet. All officers of Army and IAS are taught in Academy and they have been doing through out their life. From top to bottom everybody knows that the Major is innocent and the land he applied for is waste land and no one has ever applied for allotment neither prior to application of officer nor after cancellation by the officer. The same land can be now allotted to the Major Dudee or any defence personal free of cost.

12. The reason for malicious prosecution were ascertained that the officer joined the Army because he lost his brother in 1971 war when the officer was not permitted to participate the Kargil war he wrote a letters against the General the mighty General did not like it and he ruined the officer and the family by illegal court martial.

13. In the above facts and circumstances this is a fit case to be told to the country through media or put up before parliament about the abuse of the power by the Army for malicious prosecution of their own innocent officer and troubling the revenue officials of the MP state. But we do not intend to expose our own Army. Therefore, kindly direct to withdraw the WP filed against state of MP in the High Court of Jabalpur. Reinstatement the officer with all restoration and compensation and punish the guilty who are responsible for malicious prosecution. The MOD should make a Law so that in future no innocent officer is punish and no state Govt should be harassed.

Sd /-
Kamal Patel

Copy to:-

1. Dr Balam Jakhar
His Excellency Governor of MP
2. Secretary
Ministry of Defence Govt of India New Delhi
3. Major Ran Singh Dudee"

23. That the representation of the revenue minister on behalf of the state of Madhya Pradesh is the same response/stand today copy of the affidavit dated 14 jun 2019 filed by SDM Sagar on behalf of Government of Madhya Pradesh is reproduced as,

**"IN THE HIGH COURT OF DELHI AT NEW DELHI
CIVIL ORIGINAL WRIT JURISDICTION
W.P © NO. ___ 12681 OF 2018**

IN THE MATTER OF:

COL RAN SINGH DUDEE

... PETITIONER

VERSUS

UNION OF INDIA & ORS.

... RESPONDENTS

**REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO. 3 i.e. STATE OF
MADHYA PRADESH.**

TO

THE HON'BLE CHIEF JUSTICE
OF THE HIGH COURT OF DELHI
AT NEW DELHI AND HIS COMPANION JUDGES:

This humble reply of the above named Respondents No: 3:

MOST RESPECTFULLY SHOWETH:

1. That the reply has been filed on behalf of Respondent No. 3 i.e. State of Madhya Pradesh Vs Santosh Chandel S/o Sh. B.P.S Chandel age about 52 years posted Sub Divisional Officer/sub-divisional magistrate, Sagar do hereby solemnly affirm under oath as under as such I am competent to swear to this affidavit on behalf of Respondent No. 3.
2. That I am the officer in charge appointed of this case appointed by the State Government. That I am authorized to swear this affidavit and file reply on behalf of State of Madhya Pradesh the present case.

3. The Petitioner has not claimed any relief against the Respondent No. 3 that is the state of Madhya Pradesh because the state of MP has already represented on 23-05-2008 through than revenue minister Mr. Kamal Patel for termination of malicious prosecution of innocent officer than Maj Ran Singh Dudee and grant him all consequential benefits of restoration and compensation.

4. That the central Government Ministry of Defence accepting the representation has annulled the malicious proceedings on ground of illegal and unjust with all consequential benefits vide their order dated 20 Nov 2013 which a matter of record of this petition.

5. That it is further submitted that Mr. Kamal Patel who was the Minister of Revenue, Religious Trust and Rehabilitation at the relevant time has also filed the reply before this Hon'ble Court on 11-01-2019 which is matter of record of this petition the same is the reply of the state now.

DEPONENT

VERIFICATION:

Verified at Delhi on this ____ of June, 2019 that the contents of above affidavit are true and correct to my knowledge and belief and nothing material has been concealed there from."

DEPONENT

24. That the Admkaul Sagar had rightly brought out in the affidavit dated 29 Jan 2010 contents are reproduced as,

"It is most respectfully submitted that land Khasra No. 54 is waste land it cannot be used for cultivation neither before nor after the petitioner has anybody applied for the same. As per rules the said land could have been allotted to any serving/ex serviceman free of cost"

25. This fact was further proved by the letter of Col. Dudee reproduced as,

"COL RAN SINGH DUDEE
SO Land and Leagal

HQ Paschim Sub Area
C/o 56 APO

No. 47908/RSD/DO

14 Dec 2017

Shri Mahesh Chandra Choudhary IAS
Collector and District Magistrate
Distt Jabalpur (MP)

**ALLOTMENT OF LAND SITUATED AT GAURIGHAT AREA 3.238 HECTRE IN
THE NAME OF ARMY WELFARE HOUSING ORGANISTION KASHMIR
HOUSE RAJAJI MARG NEW DELHI**

1. AWHO is no loss no profit organization registered under society Act 1860 Sector 22, 136 Serving and retired army officer and Army personnel have paid appx. 13 lakh rupees towards Gaurighat AWHO project in 1989 and the issue is still pending for the allotment of the land.
2. Under the provision of 1964 & 1967 issued by the central Govt defence personnel are entitled free of cost land for agriculture and for residence. This is a case which is collectively defence personnel are settling in Jabalpur since Rs. 13 lakhs have already been paid hence I am not asking the money back however the total cost of land now is 38.85 cores the same may be waived to benefit each allottee/Army pers by 28 lakhs each.
3. This will not be out of place that land khasra 54 patwari halka No 39 at village Raipura costing 6.75 lakh was allotted for rupees 25 as token amount based on my letter dt 14 Dec 2000. That the additional collector Saugor informed the allotment in the May 2001.
4. May I request to allot the land and inform me y additional collector Jabalpur within the month of May 2018.

With Regards,

Yours Sincerely,

(Col RS Dudee)

Copy to:-

Maj Gen TPS Rawat, VSM**
GOC HQ Paschim MP Sub Area
Pin: 900236 C/o 56 APO"

26. That the reply of the additional collector Jabalpur is reproduced below as,

"OFFICE OF COLLECTOR & DISTRICT MAGISTRATE, DISTRICT JABALPUR (MP)

Case No. 37/A-20(i)/2016-17

Jabalpur, Dated 29.05.2018

To,

Maj Gen Gurdeep Singh
MD
AWHO
Rajaji Marg Kashmir House New Delhi-11

Sub : Permanent allotment of land given in advance possession of land to AWHO.

Ref : Letter to Chief Secretary Shri Basant Singh from Maj Gen Gurdeep Singh, AVSM, VSM, SM Managing Director AWHO.

1. Please take reference of letter of Lt Gen Ashivni Kumar dated 30-08-17 and Col Ran Singh letter dated 14 Dec 2017.
2. After perusal of the office file it is seen that in this file Govt of MP department of revenue vide letter 6-272/7/S-2B/89 Bhopal dated 28/12/1989 in the serial area 0.4.98 hecter out of survey No 123.0.081 and out of survey NO 129.1.356 hecter out of 1-862 hecter 0.020 out of survey No 134/1 178 hecter out of area 3.069 total area 5.476 hecter. The land measuring area 3.238 out of 5.476 has been given to AWHO as advance possession.
3. In absence of the order from the state Govt the lease deed could not be carried out despite the requisite payment of premium and rent. Because of the constant follow up by Col Ran Singh Dudee the file on facts and legal aspect was sent to the state Govt by Collector Jabalpur vide letter No 37/A-20(i) 2016-17 dated 11 Jan 2018. As a result of this the state Govt has order for the lease vide their order No 6272/T/52B/89 accordingly this office has carried out the permanent lease deed on 18-05-2018 and the registry is also carried out there for the case is finally closed as there is nothing left to do, this is for information.

Sd/-
(Chhote Singh)
IAS
Addl Collector Jabalpur

Copy to :-

1. Lt Gen Ashavani Kumar, Adjt Gen, IHQ of MoD (Army) Defence Minister South Block New Delhi.
2. Lt Gen BS Negi, GOC-in-C, Central Comd Lucknow (UP).
3. Lt Gen DR Soni, GOC-in-C, Southern Comd Pune-1 (MH).
4. Lt Gen Cherish Mathson, GOC-in-C, South West Comd Jaipur.
5. Maj Gen TPS Rawat, GOC Paschim MP Sub Area Bhopal, MP.
6. Birg Sanjeev Dutt, Duty Managing Director AWHO South Helment Kashmir House Rajaji Marg New Delhi-11.
7. Col Ran Singh Dudee SO (Land & Legal) Bhopal Sub Area Bhopal (MP).

27. That, finally the letter of the principal secretary Mr Arun Pandey IAS letter is reproduced below as,

**"ARUN PANDEY IAS
PRINCIPAL SECRETARY
REVENUE**

**Madhya Pradesh Administration
Revenue & Rehabilitation Deptt
Vallabh Bhawan, Bhopal-462004
Bhopal, Dated: 15-07-2018**

**Maj Gen Gurdeep Singh,
MD AWHO and
Lt Gen Ashwani Kumar
Chairman AWHO
Kashir House Rajaji Marg New Delhi.**

1. IC-47908F Colonel Ran Singh Dudee of Head quarter paschim Madhya Pradesh sub area Bhopal, because of his exceptional persuasion with state Govt of MP department of Revenue could resolve many land cases in his are of jurisdiction.

2. For the sake of brevity, I am just quoting two examples – one is mutation of Gwari ghat land, Jabalpur and second is Navy land near Aerocity, Bohpal. Both these case were resolved because of colonel Dudee.

3. Based on the exceptional work done by him, as stated above, I recommend him for appropriate award as a recognition for the work done by him.

Arun Kumar Pandey,
Principal Secretary, Revenue Département.
Government of Madhya Pradesh.

28. A collective study reveals that the officer had been malafidely punished and this is the second round of malafide action to defiance the compliance of all consequential order of the respective promotion. The committee may ensure to promote the officer at par his batchmates of 1986 even the officer junior to him of 1988 batch has been promoted to the rank of Major General as per rule no junior should have been promoted prior to him. The committee may please directs the Defence Secretary to reinstate him to the rank of Major General.

29. That the committee may like to order the CBI inquiry against all the officers involved in malicious prosecution and malicious prevention of the respective rank of Major General. CBI inquiry may please be ordered against my husband from starting till date and he should also be hanged if found guilty of any omission/commission.

30. That the than additional secretary (AS) Shri Shanker Agarwal who was competent authority on behalf of the president of India through the delegated powers of Ministry of Defence had been directed by the Armed forces Tribunal to decide the pending petition under Army Act 165 filed on 07-07-07 for annulment of General court martial proceedings being illegal and unjust.

31. That when AS statrted the decision on proceedings he had to take decision on plea of Jurisdiction under Army Rule-51, plea of jurisdiction was barred by pending Statutory complaint under Army Act 27 so there was no way to decide the appeal Under AA-165 without deciding the complaint under AA-27, plea of jurisdiction under AR-51 and review of the Govt order dated 23 Jun 2006 passed under AA-164.

32. That the AS had annulled all the past record of punishment, course gardings and the ACR/AE. He further annulled the order dated 23 Jun 2006 passed by MOD.

33. That the petition TA 84/2011 was outcome of non-disposal of the Appeal under AA 165, he had asked for interview and justice during interview all these prayer were to be submitted because the petition under AA 165 was not decided which compelled him to file Writ petition in Delhi high court later became TA 84/2011. Since there is no provision of personal hearing in high court hence all these prayers made in the petition as per format therefore the prayers in TA 84/2011 are part of the petition under AA -165.

34. That the clarification vide petition dated 25 Oct 2013 for past record and respective promotion was also part of the petition which was allowed. That the basic petition was statutory complaint and all subsequent connected matter till letter 25 Oct 2013 was one petition and the same was allowed.

35. That as per Mr Shanker Agarwals decision conveyed through director on 20 Nov 2013, he is entitled to be Maj Gen Ran Singh Dudee SMVSM with 1986 batch seniority and retirement on 31 Jan 2025, compensation of rupees 6.68 crores for wrongful confinement restoration of honour by granting honorary officer rank to both son HAPPY & SMILE as both the patriot were deprived due to illegal court martial.

36. That it was a glaring mistake of malicious court martial:-

- (a) Jurisdiction, -the land in question belong to the state of Madhya Pradesh, since it does not belong to Army hence army has no jurisdiction to court martial on the land which belong to state of MP.
- (b) Competence, - the application for land allotment is civil matter and not the criminal. The competent Court is the revenue court and not the court martial. Thus Army had no competence to court martial the officer.
- (c) Power, - that army derives the powers from Ministry of Defence for convening and conducting court

martial. Once the issue is raised before the Ministry of Defence in the form of Statutory complaint under Army Act 27 therefore Army has no power to try till the time the statutory authority decides pending complaint. In this case statutory complaint was pending in the summery of evidence and it was made a written submission before court martial that they had no power to try pending disposal of statutory complaint. Thus, this GCM was conducted without authority and power.

- (d) Glaring mistake of malicious prosecution. when Col Dudee wrote a letter on 14 Dec 2000 to collector Sagar (MP), he was maliciously court martialed and sent to Jail. When Col Dudee wrote a letter on 14 Dec 2017 to collector Jabalpur (MP) his Goc was awarded AVSM.

37. That the MOD has annulled the GCM proceedings being illegal and unjust with all consequential benefits as per rule on 20 Nov 2013. As per this order the following benefits promotion, compensation and restoration were given which has not been implemented:-

Promotion

- (a) rank of Major General
- (b) award of seha medal and vishista sewa medal
- (c) seniority of 1986 batch
- (d) date of retirement 31 jan 2025

Compensation

- (e) 20 Million Dollar for malicious prosecution to be given to Swami Ramdev for the education of children of Saheed.
- (f) 6.68 crore for the wrongful confinement.
- (g) 26.46 crore for the fear of wrongful confinement.

Restoration

- (h) Honorary control to both son Happy Dudee and Smile Dudee

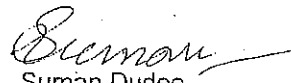
38. That the committee may like to consider that everyone is equal before law and justice, since he has been deliberately denied the course of NDC hence may be approved for Lt Gen along with 1986 batch. Further may like to award PVSM for three action of Col Dudee which has extremely special effect on Army, all alone fighting to save 118 crore rupees of three thousand officers in GurJinder Vihar for enhanced compensation; all alone fighting for the honour of veterans

through supreme court PIL, after innocent col Chauhan was bitten and falsely implicated by serving ADM, asking Mr Phulka to pay ten crores and render national apology for falsely implicating chief of army staff in Amritsar grenade blast.

39. The Hon'ble committee is requested to direct/to take any action deem appropriate to ensure justice .

Place: New Delhi

Dated : 19-11-19


Suman Dudee

"No C/06270/SC/345/AG/DV-2/3702/D (AG)
Government of India
Ministry of Defence
New Delhi, the 20th November, 2013.

ORDER

1. WHEREAS, in deference to the Orders dated 26th March 2012, 10 the April 2013, 23rd July 2013 and 23rd October 2013 by Hon'ble Armed Forces Tribunal (AFT), Regional Bench of Kolkata in Transfer Application No.84 of 2011, directing the Central Govt. to take a decision in respect of the petition by IC-47908F Ex Major Ran Singh Dudee dated 07 Jul 2007 addressed to the Secretary, Ministry of Defence under section 165 of the Army Act and to inform the thereof to the Tribunal, the said petition has been examined along with the proceedings of the General Court Martial.

2. WHEREAS, the petitioner, the said IC-47908F ex Major Ran Singh Dudee formerly of 36 Infantry Division Ordnance Unit attached with 109 RAPID (Strike) Engineer Regiment for the trial by GCM, was on 19 October 2004 arraigned before the said Court Martial on four charges as under:-

(a) The first Charge was laid under Army Act Section 52(f) for 'SUCH AN OFFENCE AS IS MENTIONED IN CLAUSE (f) OF SECTION 52 OF THE ARMY ACT, WITH INTENT TO DEFRAUD', the particulars of the charge averring that 'he at Saugor between November 2000 and May 2001, which came to the knowledge of the authority competent of initiate disciplinary action on 15 May 2002, having progressed a case for procurement of 8.64 hectares of Government land costing Rupees 6.75 lakhs near village Raipura, District Saugor (Madhya Pradesh) to the Defence Department for the purpose of immortalisation of forgotten was hero Late Sepoy Hawa Singh of 9 JAT, with intent to defraud, proceeded to obtain the land in his favour for a sum of Rupees 25/-.

(b) The Second Charge was laid under Army Act Section 63 for 'AN ACT PREJUDICIAL TO GOOD ORDER AND MILITARY DISCIPLINE', the particulars averring the 'he at Saugor, on 09 November 2000, which came to the knowledge of the authority competent to initiate disciplinary action on 15 May 2002 while performing the duties of Officiating Commanding Officer of 36 Infantry Division Ordnance Unit, improperly wrote Demi Official letter bearing No 47908/RSD/Pers/DO dated 09 November 2000 addressed to Shri BR Naidu, Collector and

District Magistrate, Saugor, seeking therein allotment of 8.64 hectares of Government land near village Raipur, Saugor district'.

(c) The Third Charge was laid under Army Act Section 63 for 'AN ACT PREJUDICIAL TO GOOD ORDER AND MILITARY DISCIPLINE', the particulars averring that 'he at Saugor, on 14 November 2000, which came to the knowledge of the authority competent to initiate disciplinary action on 15 May 2002, while performing duties of Administrative Officer of 36 Infantry Division Ordnance Unit, improperly wrote Demi Official letter bearing No 47908/RSD/Pers/DO dated 14 December 2000 addressed to Shri BR Naidu, Collector and District Magistrate, Saugor, seeking therein allotment of 8.64 hectares of Government land near village Rajpura, Saugor district.

(d) The Fourth Charge was laid under Army Act Section 63. for 'AN ACT PREJUDICIAL TO GOOD ORDER AND MILITARY DISCIPLINE' the particulars averring the that he at Saugor, between November 2000 and May 2001, having procured Government land as averred in the first charge, which came to the knowledge of the authority competent to initiate disciplinary action on 15 May 2002, improperly failed to submit the report on the acquisition of the said immovable property, contrary to Special Army Order 3/S/98, which enjoins that such reports must be submitted forthwith but in no case later than one year from the date of completion of the transaction'.

3. WHEREAS, the petitioner pleaded 'Not Guilty' to all the charges. After the trial, the GCM found the petitioner 'Guilty' of the first and third charges but 'Not Guilty' of the second and fourth charges, and sentenced him to be cashiered and to suffer rigorous imprisonment for three years.'

4. WHEREAS, on 21 October 2005, the General Officer Commanding-in-Chief (GOC-in-C), Southern Command, confirmed the findings on the first, second and fourth charges but did not confirm the findings on the third charge. The GOC-in-C, Southern Command further confirmed the sentence awarded by the GCM but remitted six months out of the three years' rigorous imprisonment awarded by the Court.

5. The petitioner has raised mainly the following issues in the aforesaid petition:-

- (a) Petitioner had applied for the land from civil authorities for immortalisation of the name of his brother, Late Sepoy Hawa Singh of 9 JAT who laid his life for the nation during 1971 war, by making a war memorial in the name of his brother or some other connected activity to immortalise the name of the War Hero.
- (b) The land was allotted by the civil administration after following their due procedure and the petitioner was only concerned with immortalisation of the name of his brother and it was immaterial in whose name the land is allotted by the civil administration. Moreover, no complaint has been filed by the civil administration for any fraud committed by the petitioner for grab of the land or cheating by the petitioner for allotment of land and thus the Army has no jurisdiction over the land allotment by the state Government to the petitioner.
- (c) The trail of the officer by the GCM was barred by limitation under section 122 of the Army Act as the knowledge of the allotment of the land by the officer was acquired by the GOC 36 Inf Div from the pseudonymous complaint dated 10.01.2001 and the letter 28.07.2001 addressed to GOC by Additional Collector & Additional District Magistrate, Saugor. Further, the Commanding Officer, also competent authority under section 122 of the Army Act, had the knowledge from the date of his application, i.e. 09 December 2000.
- (d) The petitioner was not provided the proper opportunity for his defence as he was not given the Defending Officer of his choice, Col Anil Kaul and also the defending officer provided to him was being pressurised by the GCM and warned by the DJAG for taking objection for the defence and sought to withdraw.
- (e) The first charge was not forming part of the tentative charge sheet and thus neither Army Rule 22 has been complied in respect of the first charge nor any application of mind on the evidence under Army Rule 47 (1) while considering the evidence in respect of the first charge.
- (f) The petitioner had not committed any fraud or had any intention of defraud as he immediately the allotment of land to Commanding Officer, 9 JAT, vide his letter dated 29 May 2001, which was duly acknowledged by him and no wrongful gain has be caused to the petitioner.

6. The complete records of the case has been examined in detail including Court Martial proceedings and the opinion rendered by the learned Solicitor General in the matter. After considering all aspects of the petition and viewing it against the redressal sought, the following facts have emerged:-

(a) It is observed that the petitioner wrote multiple letters requesting for allotment of land for construction of a war memorial. The petitioner initially approached the then Commanding Officer of 9 JAT (unit of the petitioner's late brother), Colonel S.B. Chavan, to apply for land to construct a war memorial for his Late brother. Accordingly, on 29-7-2000, Colonel SB Chavan wrote a letter to the District Collector, Jhunjhunu (Rajasthan) for allocating a suitable piece of land. Vide letter dt 7-11-2000, the petitioner also sought permission of Colonel Devinder Singh Yadav, the then Commanding Officer of 36 Infantry Division Ordinance Unit at Sougor (where the petitioner was posted at the time), for applying for another piece of land for constructing the war memorial (i.e. the land in question). Vide letter dt. 14.12-2000, the petitioner, in his capacity as Administrative Officer of 36 Infantry Division Ordinance Unit through his Commanding Officer, approached the Collector/District Magistrate, Saugor for allotment of the land in question.

(b) On 5-3-2001, Colonel SB. Chavan issued an 'open-ended authority letter' authorizing him to take possession of the land given by the Government for war memorial, etc and also authorizing him to take all necessary decisions and actions as he deems fit and suitable. As per challan dt. 1-4-2001, a sum of Rs 25/- was deposited by the Applicant as cost of the land.

(c) According to a letter dt. 5-5-2001, Mr S.C Arya (Addl Collector, Saugor, MP) clarified that 9 JAT was the owner and title holder of the land allotted for Veer Saheed Hawa Singh and that the petitioner was handed all necessary documents and possession of the land for further necessary action.

(d) However, on 6-5-2001, the petitioner informed Mr. Arya that since 9. JAT was likely to move out of Gwalior, it was decided that the land would be given back to the Government in the form of an immortalization trust and the land would be utilized for social service.

- (e) On 20-7-2001, Mr Arya certified that the land was given back to the Government in the form of a trust and no allotment stood in the name of the Applicant.
- (f) On 9-3-2002, Colonel S.B. Chavan requested for cancellation of the allotment of land made for constructing the war memorial, stating that "it appears that my letters under reference have been used for allotment of land for memorial of Late Sepoy Hawa Singh at Saugor (MP) which never intended. As such these letters may please be treated as cancelled and action taken on these, if any may please be reversed."
- (g) On 15-5-2002, disciplinary action was directed against the petitioner by the GOC 36 Infantry Division.
- (h) On 18-7-2002, the petitioner informed Mr. Arya that he did not wish to form as trust and requested him to cancel the allotment of the land.
- (i) Based on the above, it is not clear as to how 'wrongful gain' was caused to the petitioner and how the petitioner acted with intent to defraud. On 6-5-2001, the petitioner made it clear that the land would be given back to the Government. He is not in possession of the land, he has not used it for his personal gain, he has not constructed any memorial on it. There is no conclusive evidence of any collusion between the petitioner and the Civil Officials of District Administration, Saugor (Particularly, Mr. S.C. Arya), the authenticity of the aforementioned communication is not in dispute and the Civil Officials of District Administration, Saugor have not come forth with any complaint in this respect. It is relevant to mention here that a magisterial inquiry conducted in this respect, based on an anonymous complaint dt. 10-1-2001, also concluded that the land was allotted for Shahid Hawa Singh Memorial with due procedure. Thus, it is not clear as to how this constitutes an offence under Section 52 (f).
- (k) As regards the issue of limitation, the issue has been considered by the GCM as well as the Confirming Officer. As per Section 122 of the Army Act, the period of limitation for trial by court-martial is 3 years from:
- (i) The date of offence; or
 - (ii) Where the commission of the offence was not known to the person aggrieved by the offence or to the authority

competent to initiate action, the first day on which such offence comes to the knowledge of such person or authority, whichever is earlier; or

(iii) Where it is not known by whom the offence was committed, first day on which the identity of the offender is known to the person aggrieved by the offence or to the authority competent to initiate action, whichever is earlier.

(iv) The disciplinary action against the petitioner was directed on 15-5-2002 and the trial of the petitioner commenced on 19-10-2004. The GCM concluded that the actionable wrongs become clear and came to the knowledge of the authority competent to initiate disciplinary action, when the record of the Second Court of Inquiry was made available to the GOC 36 Infantry Division in the first week of May 2002. The authorities have considered 15-2-2002 as the date from which the period of limitation commences.

(l) It is observed that a Court Inquiry was first ordered by Colonel Devinder Yadav (Commanding Officer, 36 Infantry Division Ordnance Unit) on 7-7-2001 to investigate, *Inter alia*, alleged fraudulent allotment of land to the Applicant, after receipt of 3 anonymous complaints. Based on the report of the Court Inquiry, on 19-7-2001, the Commanding Officer held that the allegations were false and baseless. Around the same time, another anonymous complaint dt. 10-1-2001 was under civil investigation by magisterial inquiry. The report of the magisterial inquiry concluded that the land in question was allotted for Shahid Hawa Singh Memorial with due procedure and the anonymous complaint was infructuous. Subsequently, a second Court of Inquiry was convened on 3-11-2001 to investigate into the circumstances under which the allotment of land was applied for without permission of the competent military authorities and whether any existing orders were violated. Based on the report of the second Court of Inquiry, disciplinary action was initiated against the Applicant.

(m) Even assuming that an offence has been committed under Section 52(f), it cannot be said that 15-2-2002 has to be considered as the date from which the period of limitation commences. For the purpose

of computing limitation, what is to be considered is the date of knowledge' and not the date of 'actionable knowledge'.

(n) Since the first Court of Inquiry was ordered to be convened on 7-7-2001, it can be said that the knowledge of the alleged offence (i.e. fraudulent allotment of land) was gained on or before such date. The petitioner's trial commenced from 19-10-2004, which is years beyond such date. Thus, the GCM proceedings are barred by limitation.

(o) It is also an admitted fact that the purpose of the allotment was only to build a war memorial, which has not been done by virtue of surrender of the land to the Government. Hence any wrongful pecuniary gain cannot be concluded. From an overall perspective, the intent of the petitioner cannot be said to be something which is forbidden by law. It was only to perpetuate the memory of his brother.

7. Taking all the above facts cumulatively, the findings of the GCM are unacceptable. The finding of the GCM as confirmed requires interference by the Central Government.

8. Now, therefore, the Central Government, under the powers conferred under section 165 of the Army Act, 1950 do hereby annul the proceedings of the General Court Martial findings and sentence dated 16th May, 2005 and confirmation order dated 21st October 2005 being illegal and unjust and allow the petition filed by IC-47908F, Major Ran Singh Dudee, of 36 DOU Consequently the penalty imposed upon IC-47908F Ex Major Ran Singh Dudee of 36 DOU stands quashed and he is entitled to all consequential benefits as admissible under rules on the subject.

20/11/2013

Sd/-xxx
(Praveen Kumar)
Director of the Government of India

Chief of the Army Staff:

(3 copies)

Copy to:-

CGDA, New Delhi

PCDA (O), Pune

with the request that the order may be communicated to the petitioner through proper channels as per laid down rules on the subject.

Tele : 23092975

Addl Dte/ Gen of Pers Services
Adjutant General's Branch
Integrated HQ of MoD(Army)
Plot No 108 (W) Brassey Avenue
Church Road, New Delhi-110011

PC-III to A/38701/RSD/AG/PS-3A/2017

30 Jul 2018

Col Ran Singh Dudee
Staff Officer to GOC
HQ Paschim MP Sub Area
C/o 56 APO

**SPEAKING AND REASONED ORDER IN COMPLIANCE OF ORDERS
DT 24 JAN 2017 IN OA 27/2017 AND ORDER DT 09 MAY 2017 IN
DY NO 500 OF 2017 INRE OA NIL/2017 FILED BY IC-47908F
COL RAN SINGH DUDEE VS UOI AT AFT(RB) LUCKNOW**

1. Whereas, IC-47908F Col Ran Singh Dudee (hereinafter called as 'the Applicant', had filed the above mentioned OAs before Hon'ble Armed Forces Tribunal (Regional Bench) Lucknow.

2. Whereas, the Hon'ble AFT (RB) Lucknow vide Orders dated 24 Jan 2017 and 09 May 2017 in matters mentioned in Para 1(a) above, directed as under :-

(a) "With the consent of learned counsel for the parties, we proceed to decide the application finally at admission stage itself and direct the respondents to decide the representation of the applicant dated 22 Jul 2016 by a speaking and reasoned order in accordance with law expeditiously say within a period of four months from the date of production of certified copy of this order and communicate the decision to the applicant."

(b) "Statement has been made at Bar on behalf of the respondents that the representation submitted by the applicant on 22/07/2016 in pursuance to the order dated 24/01/2017 passed by the Tribunal in OA No. 27 of 2017 shall be decided within four weeks from today. It has been further submitted that while deciding the said representation, question with regard to

payment of transport allowance to the applicant shall be considered, since in the said representation, the applicant has made a prayer to this effect also."

3. Now, therefore, in due deference and compliance of the said Orders, the matter has been examined as given in the succeeding paras.

4. As is discernible from the above-mentioned OA's or by way of Representations mentioned therein, the Applicant has generally stated, inter-alia, that, "Consequent upon annulment of the proceedings of the General Court Martial, on the ground of illegal and unjust I have been paid all pay and allowances counting the entire period as commissioned service except the transport allowance. The renewal of outfit allowance have been credited in my account for the month of June 2016. As regards the HRA, MoD has already clarified the officer is eligible for HRA and accordingly the CDA was directed to make the payment which is in process to remit the amount in the account. However, the Transport allowance is denied in the garb of government letter No. 12630/TPT A/Q Mov C/4479/D(Mov)/2002 dated 31 Oct 2002 which is not applicable in this case. The claim is under the Govt. letter No. C/06270/SC/345/AG/DV-2/3792/D(AG) dated 20 Nov 2013 under which the Govt. while granting all consequential benefits has not excluded the Transport Allowance. Therefore, I am entitled and same may please be paid."

5. In lt. of the above, the a/m Issue and other issues raised have been analysed and the decision taken thereon is as follows :-

(a) Transport Allowance. Para 8 of Government of India, Ministry of Defence Order No C/06270/SC/345/AG/DV-2/D(AG) dated 20 Nov 2013 inter alia states that, "Consequently the penalty imposed upon IC-47908F Ex-Major Ran Singh Dudee of 36 DOU stands quashed and he is entitled to all consequential benefits as admissible under rules on the subject". In this regard, Additional Directorate General of Mov (Strat Mov C&D), Integrated Headquarters of Ministry of Defence (Army) have stated that, "Transport Allowance is given to suitably compensate the cost incurred on account of commuting between the place of residence and the place of duty. Also, Tpt allowance will not be

admissible during absence from duty for full calendar month(s) due to leave, training, tour, etc". In this connection, a copy of MoD letter No. 12630/TPT A/Q Mov C/4479/D(Mov)/2002 dated 31 Oct 2002 is enclosed as Annexure 1.

(b) House Rent Allowance As regards the claim for HRA, the Quarter Master General's Branch/Directorate of Land Works and Environment (Policy Quartering) have stated that, "as per Para 2.4 of GoI, MoD letter No.10(55)/98/ D(Q&C) dated 29 Sep 1999, HRA is governed by the place of posting of the individual including for non military stations and for selected place of residence/last duty station in case the individual is posted to operational/field/modified field areas. Therefore, in ibid case the officer is eligible for HRA for his last duty station only, from where he was cashiered from service. Any move of the officer, consequent to his cashiering, was not by any Govt. order or mandated in organizational interest and his reinstatement in service is continuation of service from last duty station. In view of the foregoing, it is clarified that the officer will be entitled for HRA at the rates applicable to his last duty station only provided the family has not been in occupation of Government married accommodation for the duration for which the officer was cashiered from service". A copy of Government of India, Ministry of Defence letter No.10(55)98/ D(Q&C) dated 29 Sep 1999 is enclosed as Annexure 2.

(c) Interest on DSOP and AGIF during the interim period. Office of CGDA vide their letter No. AT/VIII/MISC/VOL-X dated 01 Jun 2018 has stated that, "the applicant was cashiered from service and a sum of 5,03,684/- on account of DSOP and a sum of Rs. 2,02,271 on account of AGIF was paid to the applicant at the time of cashiering. Further, the applicant was reinstated in service from 13.01.2014 and the amount paid on account of DSOP and AGIF was deposited by the individual through MRO on 03 Feb 2016 and the same was adjusted in IRLA in the month of 03/2016. The amount standing credit in IRLA has been paid along with interest thereon to the individual at the time of retirement i.e. 01/2017. During the period from 24.10.2005 to

02/2016 the amount in question was held by the individual. Since the amount was not with Govt, therefore, there can be no claim for interest from Govt. during this period. Interest has been calculated and paid from 03/2016 to 01/2017 viz the period that amount was held with Govt". A copy of Office of CGDA letter No. AT/VIII/MISC/VOL-X dated 01 Jun 2018 is enclosed as Annexure 3.

(d) Reimbursement amounting to Rs. 13,90,000/- (Rupees thirteen lakh ninety thousand only) for treatment during eight year period spent on your wife and your son and waiving off requirement of bills for the same. Procedure of payment of bills in respect of treatment of service personnel in civil or private hospitals/institutions are governed by provisions laid down at Para 54 to 56 of FR, Part – II, Para 293 and 294 of Regulations for Medical Services of the Armed Forces-2010 (Revised Version) and Army Order 32/81. Copy of relevant documents are enclosed as Annexure 4.

(e) Reimbursement amounting to Rs. 1,45,000/- on transport of luggage from Saugor to Delhi, Delhi to Saugor and Saugor to Meerut.

Office of CGDA vide UO No. AT/IV/4462/Offrs/Legal Notice dated 19 Mar 2018 have clarified that :-

(i) Saugor (last duty stn) to Delhi(hometown) on cashiering. Rule 209 of TR-2014 enumerates under "Conveyance to Service officers on Dismissal or Removal from Service" that it is the discretion of Chief of Army Staff/CONS/COAS to authorize free conveyance on warrant to the railway station nearest to IC-47908F Col RS Dudee's home and the scale of baggage shall be restricted to the railway free allowance and power to confer is mentioned in Note under Rule 209(ii)-TR 2014.

(ii) Delhi to Saugor on reinstatement. No exact rule is found mentioned in TR-2014 for reimbursement of transportation of luggage on reinstatement of officers. However, as IC-47908F Col Ran Singh Dudee was already in

service and the luggage was transported on account of issue of Govt. orders. The payment may be made on this account with the sanction of Ministry.

(iii) Saugor to Meerut on posting. The reimbursement of transportation of luggage on this may be paid as the same is admissible on posting, in terms of provisions contained at Rule 67 of TR-2014.

(iv) Copy of CGDA Note UO No. AT/IV/4462/Oftrs/Legal Notice dated 19 Mar 2018 is enclosed as Annexure 5.

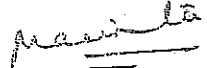
(f) 12% interest on Ration Money. Existing policy does not have any provision of payment of interest of such cases. Copy of Directorate General Supplies and Transport Note No. 37 dated 27 Jun 2018 is enclosed as Annexure 6.

(g) Telephone bill from 24 Oct 2005 to till date and interest thereon. As per note (i) below para 2 at page 2 of Government of India, Ministry of Finance Office Memorandum No. 7(14)/C&V/2006 dated 14 Nov 2006, "The amount will be reimbursed within the prescribed ceiling on submission of bill/receipt by the concerned officer. There will not be any separate ceiling for landline/mobile/broadband". Copy of Government of India, MoD ID No. D-25011(1)/2006/D(Est.2/Genl.1) dated 08 Dec 2006 is enclosed as Annexure 7.

(h) News Paper from 24 Oct 2005 to till date and interest thereon. As per Para 2 of Govt of India, Ministry of Defence letter No. A/45395/1/CAO/MP-II dated 23 Oct 1996, "The officers have the option to purchase the Indian Newspapers of their choice. The reimbursement in respect of the Newspaper will be made on production of Bill/Cash Memo by the Concerned officer but in respect of COAS/VCOAS/Lt Gen/equivalent the bills can be paid directly to the newspapers agency, if so desired by the officer." Copy of Government of India, Ministry of Defence letter No. A/45395/1/CAO/MP-II dated 23 Oct 1996 is enclosed as Annexure 8.

(j) Brief Case Allces from 24 Oct 2005 to till date and interest thereon. As per Para 2 of Govt of India, Ministry of Personnel, Public Grievances and Pensions Department of Personnel & Training letter No. D-21013/4/2012-Ad.II dated 15 May 2012, "The entitled officers/ officials can purchase briefcase/ office bags/ ladies purses of their own choice from any private/ public outlet. However, reimbursement shall be restricted to ceiling limits mentioned in Para 1 of the letter under reference." Copy of Government of India, Ministry of Personnel, Public Grievances and Pensions Department of Personnel & Training letter No. D-21013/4/2012-Ad.II dated 15 May 2012 is enclosed as Annexure 9.

6. In lt of the above, the officer may take action as deemed fit.
7. The Hon'ble AFT(RB) Lucknow Order dated 24 Jan 2017 and 09 May 2017 hereby stand duly complied with.


(C Marimuthu)
Dy Dir, AG/PS-3(A)
For Adjutant General

Encl : As above

Copy to :-

MoD/D(Pay/Services)

DGADS, New Delhi

CGDA, New Delhi

PCDA(O), Golibar Maidan, Pune-411001

PCDA(P), Draupadi Ghat, Allahabad-211014

DFA(Budget)

AFT Legal Cell, HQ Madhya UP Sub Area, PIN-900450, C/o 56 APO

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.11009 of 2017

Union of India & Others

.....Appellants

VERSUS

Col Ran Singh Dudee

..... Respondent

AND

CIVIL APPEAL (Diary No.40312/2017) No. 5973 of 2018

JUDGMENT

Uday Umesh Lalit, J.

These appeals question the following judgments and orders passed by the Armed Forces Tribunal, Regional Bench, Lucknow.

- (a) Civil Appeal No.11009 of 2017 is directed against the Judgment and Order dated 17.01.2017:

Signature Not Verified
Digitally signed by R
NATHARAJAN
Date: 2018.07.03
17:11:44 IST
Reason:

(b) Civil Appeal (Diary) No.40312 of 2017 with an application for leave to appeal is directed against the Judgment and Order dated 12.09.2017. Leave to appeal granted.

2. The relevant facts in the present case are as under:-

(A) The respondent was initially enrolled in the Indian Army as Sowar in 1981. He cleared the examination conducted by Union Public Service Commission in the year 1988 and got commissioned as an Officer and was posted as Second Lieutenant in the Ordnance Corps of the Army. During his career, he received some commendations and appreciations. However, the respondent was summarily tried under Section 83 of the Army Act, 1950 (hereinafter referred to as the Act) by Commander, 29 Artillery Brigade for the offence of 'absenting himself without leave' for 03 days from 27.06.1991 to 29.06.1991. The Respondent pleaded guilty to the charge under Section 39(a) of the Army Act and was sentenced to 'Reprimand'.

(B) While the respondent was serving as Major in 2004-05, he was tried by General Court Martial on four charges. The first charge was under Section 52 to the effect that while the respondent was posted at Saugor between November 2000 and May 2002, he pursued a case for procurement of 8.64 hectares of land belonging to Government of Madhya Pradesh for the

purposes of building a War Memorial in the memory of late Sepoy Hawa Singh, who was the elder brother of the respondent. The second charge was connected to the first one and was to the effect that while performing duties as officiating Commanding Officer he improperly wrote a Demi Official letter on 09.11.2000 to the Collector, Saugor for allotment of the aforesaid land. The third charge was connected to the second one while according to the fourth charge the respondent had failed to submit report about the acquisition of said land in contravention of Army Order 3/S/98.

(C) On 16.05.2005, he was found guilty of the first and third charges but not guilty of the second and fourth charges and was sentenced to be cashiered and to suffer rigorous imprisonment for three years. On 21.10.2005, the competent disciplinary authority confirmed the findings as regards the first, second and fourth charges but did not confirm the finding on the third charge. The sentence awarded by the General Court Martial was confirmed with remission of six months out of three years rigorous imprisonment. Though the Court of Inquiry relating to the matter in issue was undertaken on 07.07.2001 the trial in respect of said charges had commenced on 19.10.2004.

(D) The respondent being aggrieved, preferred statutory complaint under Section 165 of the Act. During the pendency of said complaint,

selection for promotion to the rank of Colonel of 1988 Batch Officers was undertaken in August 2006 and appropriate selections were made. Since the respondent, by that time had stood punished in the General Court Martial, his candidature was not considered.

(E) As his Statutory Complaint was not considered in due course, the respondent filed a Writ Petition in the High Court of Delhi which was later transferred to Armed Forces Tribunal, Calcutta. In pursuance of the directions issued at the interim stage by the Armed Forces Tribunal, the consideration of the pending Statutory Complaint was taken up and the matter was referred to the learned Solicitor General of India for his opinion. As the opinion given by the learned Solicitor General on 01.11.2013 has been extensively quoted and relied upon in the Judgments under appeal, the concluding part of the opinion is extracted hereunder:

"17. Since the first Court of Inquiry was ordered to be convened on 07.07.2001, it can be said that the knowledge of the alleged offence (i.e. fraudulent allotment of land) was gained on or before such date. The Applicant's trial commenced from 19.10.2004, which is 3 years beyond such date. Thus, in my opinion, the CGM proceedings are barred by limitation.

18. Even on merits, the finding of the guilt by the CGM is not tenable in view of the fact that even the Ministry is not clear in whose name the land was allotted, as mentioned above in paragraph 12 and that the allotment was even otherwise valid in so far as the MP Government was concerned, as dealt with in

paragraph 15. There has been no challenge to the findings arrived at by the magisterial inquiry.

19. It is also an admitted fact that the purpose of the allotment was only to build a war memorial, which has not been done by virtue of surrender of the land to the Government. I am also unable to see any wrongful pecuniary gain. From an overall perspective, the intent of the Applicant cannot be said to be something which is forbidden by law. It was only to perpetuate the memory of his brother. Taking all these facts cumulatively, in my opinion, the findings of the GCM appear to be unacceptable. My view is also confirmed by Note 89 as would be evident from the file of Mr. Praveen Kumar (Director AG-I)."

(F) By Order dated 20.11.2013, the Central Government allowed the Statutory Complaint preferred by the respondent and directed:-

"8. Now, therefore, the Central Government, under the powers conferred under section 165 of the Army Act, 1950 do hereby annul the proceedings of the General Court Martial findings and sentence dated 16th May, 2005 and confirmation order dated 21st October, 2005 being illegal and unjust and allow the petition filed by IC-47908F, Major Ran Singh Dudee, of 36 DOU. Consequently, the penalty imposed upon IC-47908F Ex Major Ran Singh Dudee of 369 DOU stands quashed and he is entitled to all consequential benefits as admissible under rules on the subject."

(G) The respondent was thereafter reinstated in service on 13.01.2014 and paid all consequential benefits for the entire period. On 16.08.2014, the respondent was promoted to the rank of Lt. Colonel with effect from 16.12.2004. Sometime in January, 2015, an officer who was junior to the respondent was promoted to the rank of Brigadier. A

representation was therefore made by the respondent for grant of all
"consequential benefits". He was principally aggrieved by his non-
empanelment for promotion to the rank of Brigadier. Around this time on
30.06.2015, the respondent was granted Time Scale promotion as Colonel,
on completion of 26 years of service. //

(H) As regards the grievance made by the respondent and his representation in that behalf, the matter was again referred to the Law Officer of the Government of India who in his opinion dated 30.12.2015 opined that the respondent could not be denied promotion to the rank his batch mates and immediate juniors were promoted, that the Government of India having directed in the Order dated 20.11.2013 that all consequential benefits be given to the respondent, the mandatory demands under the relevant Rules would stand waived and that the respondent should be granted the rank of a Brigadier. Serious reservation was however expressed by the Department which was of the view that no promotion to the rank of Brigadier could be granted except through the modalities of selection by the Selection Board and an appropriate Note was written in that behalf by the Additional Secretary in the Ministry of Defence on 03.02.2016. No.3 Selection Board was thereafter constituted and in the assessment made by

said Selection Board on 26.04.2016, the respondent was not found fit and as such was not empanelled.

(I) The respondent being aggrieved filed OA No. 260 of 2016 in the Armed Forces Tribunal, Regional Bench, Lucknow questioning his non-empanelment in the rank of Brigadier. It was submitted, inter alia, that:

- (i) The respondent came from a family of soldiers. Though enrolled as Sowar in the year 1981 by sheer dint of hard work he got the status of a Commissioned Officer in the year 1988. In his posting in Kargil he received COAS Commendation Card. He also received Letter of Appreciation from General Officer Commanding 36 Infantry Division and was recommended for Sena Medal in 2002.
- (ii) In 1990 he had made complaints against his superiors citing various irregularities. Further, sensing threat to his life he had reported the matter to the Brigadier Commander. Offended by such reporting, the respondent was falsely implicated in a Court of Enquiry which found nothing against him. A first information report was also lodged which was found to be stage managed. On the contrary in the Court of Enquiry, the officers against whom the respondent had complained, were found guilty and were suitably punished.

(iii) In the year 1997 while he was posted at Jodhpur, he was a member of the Tender Opening Board for Pokhran field firing ranges. He had lodged complaint to the superior authorities with regard to mal-practices in auction proceedings pursuant to which proceedings of auction were annulled.

(iv) Since he had reported about corrupt practices of the superiors, the superiors in retaliation had forged the documents of Revenue Court ascribing motive to the respondent as regards allotment of land. Though initially he was visited with an order of punishment, namely, "Recording of Displeasure", said punishment was later set aside.

(v) He was wrongly implicated in the General Court Martial. In any case his innocence stood established by reason of order dated 20.11.2013 which inter alia had directed that he was entitled to all consequential benefits.

(vi) In his submission because of the pendency of General Court Martial proceedings he was kept out of active service for nine years. Relying on the opinion given by the Law Officer on 30.12.2015 he submitted that he was entitled to the rank of Brigadier.

(J) On the other hand, it was contended on behalf of the appellants that the respondent did not fulfill the required criteria in terms of policy and

had not put in requisite period of service while holding the rank of Colonel. It was further submitted that promotion to the post of Colonel could either be purely on the basis of selection by the Board or could simply be on the basis of length of service which is normally known as time scale promotion. The Selection Board in question, namely, No.3 Selection Board had not found the respondent fit to be promoted by "Selection".

(K) The Armed Forces Tribunal principally relied on the opinion dated 01.11.2013 of the learned Solicitor General and the order dated 20.11.2013 to come to the conclusion that the respondent was framed by certain persons on unfounded grounds. It further held that the order dated 20.11.2013 was clear that the respondent was entitled to all "consequential benefits" and as opined by the Law Officer in his opinion dated 30.12.2015 the respondent ought to have been promoted as Brigadier. The Armed Forces Tribunal found that the Department was not justified in ignoring the opinion of the Law Officer and in generating the Note dated 03.02.2016. It concluded:

"There is no room for doubt that ordinarily, right to consider is a fundamental right and in case, the case is considered and incumbent does not qualify because of lack of criteria, he cannot lay claim for promotion. However, the fact remains where in the facts and circumstances as in the present, because of grant of consequential benefits and loss of promotional avenues by virtue of pendency of General Court Martial (supra) and having suspended service period on account of such

proceeding which has been held to be based on unfounded facts and allegations, rights that accrue to the Applicant on account of setting aside of punishment order, include the right to seek promotion to the higher rank from the date his juniors have been promoted keeping in view the facts and circumstances of the present case.”

(L) The Armed Forces Tribunal thus by its judgment and order dated 17.01.2017 directed that a final decision be taken by the appellants keeping in view the opinion expressed by the Law Officer for promotion of the respondent to the rank of Brigadier “Selection Grade”.

(M) The appellants being aggrieved approached this Court by filing Civil Appeal No.11009 of 2017. While issuing notice, this Court passed the following direction on 01.02.2017:

“In the meantime, there will be stay of operation of the impugned judgment on the condition that the appellants shall take a decision on the promotion of the respondent to the rank of Colonel, within a period of two weeks from today, in accordance with law.”

(N) No.3 Selection Board was, therefore, constituted on 3.02.2017 which considered the candidature of the respondent and the question whether he was fit to be promoted by selection to the rank of Colonel. The proceedings dated 13.02.2017 indicate that the Board considered the profile of the respondent alongwith three other officers (Two of them being empanelled officers - the second being the lowest empanelled officer and the

third being one who was not empanelled). As per record, the matter was considered on the basis of six indicia namely (i) Overall C.R. Profile, (ii) Lowest C.R. Assessment, (iii) Recommendations for promotions, (iv) Course Profile, (v) Lowest Course grading and (vi) Discipline Profile. As against the candidates who were empanelled and the one who was not empanelled, the respondent's profile was found to be lower than all three of them in terms of aforesaid Indicia Nos.(ii), (iv) and (v). Further as against Indicia No.(vi), where all those three officers had "NIL" entry the profile of the respondent indicated "reprimand" which was issued in 1991. It may be noted that only one out of those three officers who was empanelled had "Average CR Profile" graded as "Above Average to Outstanding" which was the same as the respondent. Considering the comparative profile of the respondent and those three officers, it was found that the respondent was not fit to be promoted by selection to the post of Colonel.

The assessment made by the aforesaid No.3 Selection Board was approved by Chief of Army Staff.

(O) The Comparative Chart regarding profile of those three officers and the respondent is extracted hereunder. We have however not disclosed the names of those three officers.

Comparative Profile

	Last Empanelled Officer	Officer not Empanelled	Officer Empanelled	Respondent
Name	Lt. Col x	Lt. Col y	Lt. Col z	Col (TS) RS Dudee
Overall CR Profile	Above Average	Above Average	Above Average to Outstanding	Above Average to Outstanding
Lowest CR assessment	8	8	8	7
Recommendations for promotion	Should promote	Should promote	Should promote	01x May promote
Course Profile	Average to above Average	Average to above Average	Average to above Average	Below Average to Average
Lowest Course Grading	C	C	C	E
Discipline Profile	Nil	Nil	Nil	Reprimand Dec 91 Army Act Section 39 (Absence without Leave)

(P) The respondent challenged the decision of No.3 Selection Board by filing OA No.104 of 2017 before the Armed Forces Tribunal, Regional Bench, Lucknow. When Civil Appeal No.11009 of 2017 was taken up, this Court recorded the fact that the Selection Board had found the respondent unfit to be promoted as Colonel against which decision challenge was pending before the Armed Forces Tribunal. The appeal was, therefore,

adjourned to await the decision of the Armed Forces Tribunal while continuing the interim order passed earlier.

(Q) The Tribunal reproduced the Comparative Chart which was part of the record including names of the officers concerned. According to the Tribunal the entry of "Reprimand" which was of the year 1991 could not and ought not to have been taken into account, more particularly when a clear opinion was expressed by the Law Officer on 30.12.2015. It did not consider the fact that on Indicia Nos.(ii), (iv) and (v) the respondent was definitely found lower than other three officers but relied upon the fact that the overall C.R. Profile was adjudged "Above Average to Outstanding" whereas the lowest empanelled officer was actually graded as "Above Average". The Tribunal observed:

"31. We have noticed that over all profile of the empanelled officer is above average whereas the applicant's over all profile is above average to outstanding. How the applicant's over all profile has been adjudged to be lower than the last selectee is not comprehensible.

32. We thus feel that the Selection Board has not acted fairly and justly after applying mind to the original records and seems to have considered the applicant's case with pre-disposed mind."

(R) The Tribunal thus found the analysis and assessment made by No.3 Selection Board to be perverse. While allowing Original Application

No.104 of 2017 vide its judgment and order dated 12.09.2017, the Tribunal directed the appellants to constitute a fresh Selection Board and reconsider the case of the respondent in the light of the judgment of the Tribunal. The Tribunal also awarded costs to the respondent which were quantified at Rs.5 lakhs.

(S). The appellants thereafter approached the Armed Forces Tribunal under Section 31 of the Armed Forces Tribunal Act, 2007 seeking leave to appeal to this Court. The application was however rejected on 13.11.2017, whereafter Civil Appeal (Diary) No.40312 of 2017 was preferred by the appellant alongwith an application for leave to appeal.

3. Both these appeals being inter-connected and between the same parties, were taken up for hearing together. We heard Mr. Maninder Singh, learned Additional Solicitor General who appeared for the appellants while Colonel (TS) RS Dudee(Retd.) appeared in-person and made his submissions.

4. The hierarchy in the Army and the method of selection and promotion was considered by this Court in *Union of India v. Lt. General Rajendra Singh Kadyan*¹ as under:

¹ 2000 (6) SCC 698

"11. The hierarchy in the Army and the method of selection and promotion to various posts starting from the post of Lieutenant and going up to the post of the Chief of the Army Staff will clearly indicate that the posts of Lieutenant, Captain and Major are automatic promotion posts on passing the promotion examination irrespective of inter se merit, whereas the posts from Major to Lt. Colonel, Lt. Colonel to Colonel, Colonel to Brigadier, Brigadier to Major General and Major General to Lt. General are all selection posts filled up by promotion on the basis of relative merit assessed by the designated Selection Boards...."

Since the aforesaid decision, there has been an amendment and as the situation presently stands², all promotions upto the rank of Lt. Colonel are time-bound promotions without involvement of any selection process and it is only for the promotion from the post of Lt. Colonel to Colonel and upwards that Selection Boards are constituted. The composition of relevant Selection Boards in terms of Selection System is as under:-

"Composition of Selection Boards

1. Special Selection Board

(a) Function: To screen officers for promotion from Maj Gen. to Lt. Gen.

(b) Composition:

- | | |
|-----------------|-----------------------|
| (i) Chairman | - COAS |
| (ii) Members | - Army Cdrs (5) VCOAS |
| (iii) Secretary | -MS |

² Ref.: Para 3 of Written Submissions of the appellants

2. No. 1 Selection Board

(a) Function: To screen Brig for promotion to the rank of Maj. Gen.

(b) Composition

- (i) Chairman - COAS
- (ii) Members - Army Cdrs (5) VCOAS/PSO (1)
- (iii) Secretary - MS

3. No. 2 Selection Board

(a) Function: To screen Col. for promotion to the rank of Brig.

(b) Composition

- (i) Chairman - Army Cdr (1)
- (ii) Members - Corps Cdr (1)
Lt. Gen. of Staff
[Should have commanded a Div.(1)]
Maj. Gen. (GOC Div) (1)
Maj. Gen. (Staff) (1)
- (iii) Secretary - Addl. MS (B)
- (iv) In attendance - Respective Heads of Arm/Services

4. No. 3 Selection Board

(a) Function: To screen Lt. Cols to the rank of Col.

(b) Composition

- (i) Chairman - Corps Cdr or Lt. Gen. who has commanded a Corps(1)
- (ii) Members - Div. Cdr (2), Maj Gens on Staff (2)
- (iii) Secretary - Dy. MS(B)
- (iv) In Attendance - Respective Heads of Arm/Services.

5. We are presently concerned with selection from the post of Lt. Colonel to the rank of Colonel and the appropriate Selection Board would therefore be No.3 Selection Board with Officer of the rank of Lt. General as

Chairperson, two members of the rank of Major General and two Div. Commanders. On few occasions this Court has considered the cases where the assessment and analysis made by such Selection Boards were directly put in question. Some of the observations of this Court are extremely relevant for the present purposes:

(a) In *Dalpat Abasaheb Solunke v. B.S. Mahajan*³ this Court observed:

“.....It is needless to emphasise that it is not the function of the court to hear appeals over the decisions of the Selection Committees and to scrutinize the relative merits of the candidates. Whether a candidate is fit for a particular post or not has to be decided by the duly constituted Selection Committee which has the expertise on the subject. The court has no such expertise. The decision of the Selection Committee can be interfered with only on limited grounds, such as illegality or patent material irregularity in the constitution of the Committee or its procedure vitiating the selection, or proved mala fides affecting the selection etc.”

(b) In *Air Vice Marshal S.L. Chhabra, VSM (Retd.) v. Union of India*⁴, this Court observed:

“.....No oblique motive has been suggested on behalf of the appellant against any of the members of the Selection Board and there is no reason or occasion for us to infer such motive on the part of the members of the Selection Board for denying the promotion to the appellant with reference to the year 1987. Public interest should be the primary consideration of all Selection Boards, constituted for selecting candidates, for

³ 1990 (3) SCC 305

⁴ 1993 Supp (4) SCC 441

promotion to the higher posts, but it is all the more important in respect of Selection Boards, meant for selecting officers for higher posts in the Indian Air Force. The court cannot encroach over this power, by substituting its own view and opinion.....”

(c) In *Union of India v. Lt. General Rajendra Singh Kadyan* (Supra), this Court observed:

“.....Critical analysis or appraisal of the file by the Court may neither be conducive to the interests of the officers concerned or for the morale of the entire force. Maybe one may emphasize one aspect rather than the other but in the appraisal of the total profile, the entire service profile has been taken care of by the authorities concerned and we cannot substitute our view to that of the authorities. It is a well-known principle of administrative law that when relevant considerations have been taken note of and irrelevant aspects have been eschewed from consideration and that no relevant aspect has been ignored and the administrative decisions have nexus with the facts on record, the same cannot be attacked on merits. Judicial review is permissible only to the extent of finding whether the process in reaching decision has been observed correctly and not the decision as such.....”

(d) Further, in *Surinder Shukla v. Union of India*⁵, it was observed:

“11. Considering the comparative batch merit, if the Selection Board did not recommend the name of the appellant for promotion to the rank of Colonel which appears to have been approved by the Chief of Army Staff, it is not for the court exercising power of judicial review to enter into the merit of the decision. The Selection Board was constituted by senior officers presided over by an officer of the rank of Lt. General. It has been contended before us that the Selection Board was not even aware of the identity of the candidates considered by them because only in the member data sheet all the informations of

⁵ (2008) 2 SCC 649

the candidates required to be considered by the Selection Board are stated, but the identity of the officers is not disclosed. The appellant moreover did not allege any mala fide against the members of the Selection Board.....”

6. The first question that arises is regarding the significance of the expression “consequential benefits” as used in the order dated 20.11.2013. The matter which was directly in issue and under consideration was the correctness and validity of General Court Martial proceedings. While annulling the findings and effect of such General Court Martial proceedings, the idea was to confer those benefits which the officer stood denied directly as a result of pendency of such proceedings. Such benefits would therefore be those which are easily quantifiable namely those in the nature of loss of salary, emoluments and other benefits. But the expression cannot be construed to mean that even promotions which are strictly on the basis of comparative merit and selection must also stand conferred upon the officer. It is true that as a result of pendency of the General Court Martial proceedings the respondent was kept out of service for nearly nine years and as such his profile would show inadequacy to a certain extent. On the other hand the Department was also denied of proper assessment of the profile of the respondent for those years. The correct approach in the matter is the one

which was considered by this Court in *Lt. Col. K. D. Gupta v. Union of India and Others*⁶ as under:-

“8. The respondents have maintained that the petitioner has not served in the appropriate grades for the requisite period and has not possessed the necessary experience and training and consequential assessment of ability which are a precondition for promotion. The defence services have their own peculiarities and special requirements. The considerations which apply to other government servants in the matter of promotion cannot as a matter of course be applied to defence personnel of the petitioner's category and rank. Requisite experience, consequent exposure and appropriate review are indispensable for according promotion and the petitioner, therefore, cannot be given promotions as claimed by him on the basis that his batchmates have earned such promotions. Individual capacity and special qualities on the basis of assessment have to be found but in the case of the petitioner these are not available. We find force in the stand of the respondents and do not accept the petitioner's contention that he can be granted promotion to the higher ranks as claimed by him by adopting the promotions obtained by his batchmates as the measure.”

7. The opinion of the learned Solicitor General dated 01.11.2013 and the consequential order dated 20.11.2013 must be confined to the question of validity and correctness of the General Court Martial proceedings and the benefits which respondent stood denied purely as a result thereof. The concept that he must be granted those promotions which his batchmates or juniors received and the idea that he must also be considered for promotions which are strictly based on “selection” basis have not been accepted by this

⁶1989 Suppl (1) SCC 416

Court in *K.D. Gupta* (supra). The Tribunal therefore completely erred in passing the directions in its order dated 17.01.2017. Since the opinion of the Law Officer dated 30.12.2015 was not consistent with the provisions of the relevant rules and the law declared by this Court in *K.D. Gupta* (supra), the Department was justified in expressing serious reservations and in generating note dated 03.02.2016. The Tribunal, in our considered view, attached undue importance to the opinion of the Law Officer dated 30.12.2015.

8. Be that as it may, the matter was considered on merits by No.3 Selection Board which found the respondent unfit for selection as "Colonel". The matter was analyzed by the Board on six indicia or parameters. The assessment was cumulative taking into account the grading as against those six parameters. Admittedly, the respondent was lower in terms of indicia Nos.(ii), (iv) and (v) as against all other three officers, which included one who was not empanelled at all. Apart therefrom, the entry of reprimand as against indicia No.(vi) also put the case of the respondent in the negative. At this stage we may consider whether the entry of reprimand of the year 1991 was rightly or wrongly taken into account.

9. In terms of Paragraph 10 (f) of the Selection Policy dated 06.05.1987 which has been placed on record by the appellants, disciplinary award forms

part of the overall profile of an Officer. Said provision in fact lays down, "character, qualities, disciplinary background and decorations form an important input to the overall profile of an Officer and due consideration should be given while assessing border line cases." The action on part of the Selection Board in relying upon the entry of reprimand was thus consistent with Selection Policy and could not be characterized as incorrect or illegal in any manner. In any case that was not the only pointer which weighed with the Selection Board. Even eschewing such entry, the respondent was still found to be lower as against three Officers on other three indicia. It is relevant to note at this juncture that even though one out of those three Officers had fared better than the respondent on those three indicia and also did not have any entry or reprimand, he was not an empanelled Officer. It is precisely for this reason that the law as laid down by this Court is, "whether a candidate is fit for a particular post or not has to be decided by the duly constituted Selection Committee which has the expertise on the subject."

10. It is true that overall CR profile of the respondent was better than the last empanelled officer. But the respondent was certainly lower on other three indicia or parameters. It is the cumulative assessment which the Selection Board was expected to and did undertake. Going by the law laid down by this Court, it cannot be said that the assessment of the Selection

Board suffered on any count. This case is not where irrelevant factors have been taken into account or relevant factors have been missed out or eliminated from consideration. The Selection Board comprised of high ranked officials from Indian Army. No malafides have been and could be attributed to the actions on part of the members of the Selection Board. The Tribunal was thus wholly unjustified in finding the assessment made by the Selection Board to be perverse.

11. Having considered the matter in its entirety, we cannot support the view taken by the Tribunal. According to us, the approach of the Tribunal and the assessment made by it were completely erroneous. The Tribunal was also not justified in awarding costs of Rupees five lakhs to the respondent.

12. It may be that the respondent was wrongly proceeded against and punished by General Court Martial. He was also awarded sentence of imprisonment and lost out nine years of service. The prejudice is quite apparent. However sympathy cannot outweigh the considerations on merit. He has received time scale promotion to the rank of Colonel after having put in 26 years of regular service. But if he was not found suitable for empanelment by way of selection, the matter must end there.

13. We therefore allow both the appeals and set aside Judgments and Orders dated 17.01.2017 and 12.09.2017 passed by the Armed Forces Tribunal, Regional Bench, Lucknow.

14. No order as to costs.

.....J.
(Adarsh Kumar Goel)

.....J.
(Uday Umesh Lalit)

New Delhi,
July 3, 2018

CONFIDENTIAL

**MINUTES OF THE FOURTH SITTING OF THE COMMITTEE ON PETITIONS
(SEVENTEENTH LOK SABHA)**

The Committee met on Tuesday, 18 February, 2020 from 1100 hrs. to 1230 hrs. in Committee Room No.1, Block 'A', Parliament House Annexe Extension, New Delhi.

PRESENT

Dr. Virendra Kumar - Chairperson

MEMBERS

2. Shri Anto Antony
3. Shri Harish Dwivedi
4. Dr. Sukanta Majumdar
5. Smt. Anupriya Patel
6. Shri Brijendra Singh
7. Shri Sushil Kumar Singh
8. Shri Prabhubhai Nagarbhai Vasava

SECRETARIAT

1. Shri T. G. Chandrasekhar - Joint Secretary
2. Shri Raju Srivastava - Director

WITNESSES

**MINISTRY OF DEFENCE
(DEPARTMENT OF MILITARY AFFAIRS)**

1. General Bipin Rawat,
PVSM UYSM AVSM YSM SM VSM ADC - CDS & Secretary
2. Shri Rajeev Singh Thakur - Joint Secretary
3. Major General Virendra Singh, VSM
4. Brigadier Vinayak Saini, SM

2. At the outset, the Hon'ble Chairperson welcomed the Members to the sitting of the Committee.

[The representatives of the Ministry of Defence (Department of Military Affairs) were ushered in]

3. After welcoming the representatives of the Ministry of Defence (Department of Military Affairs), the Hon'ble Chairperson drew their attention to Direction 55(1) of the Directions by the Speaker, Lok Sabha regarding confidentiality of the proceedings of the Committee.

4. The representatives of the Ministry, thereafter, introduced themselves before the Committee. Thereafter, the Committee were briefed by the representatives of the Ministry of Defence (Department of Military Affairs) on the Representation of Smt. Suman Dudee forwarded by Shri Rajendra Agrawal, M.P., Lok Sabha alleging injustice to her husband, Colonel R. S. Dudee by denying him consequential benefits and other important issues related therewith.

5. Giving a brief background of the case, the representatives of the Ministry of Defence (Department of Military Affairs) put forth the following major issues before the Committee:-

- (i) The Representationist, Smt. Suman Dudee is the wife of Colonel (TS) (Retd.) Ran Singh Dudee. Colonel (TS) (Retd.) Ran Singh Dudee was commissioned in the Indian Army on 11.06.1988 and was re-employed after his retirement and he is still working in the Army Headquarters, New Delhi.
- (ii) Colonel Dudee was tried by the General Court Martial (GCM) from 19.10.2005 to 21.10.2005 which found him guilty as per Section 52 of the Army Act and consequently, sentenced him to be cashiered and to suffer rigorous imprisonment for three years. However, the sentence awarded by GCM was confirmed with remission of six months out of three years rigorous imprisonment by the competent disciplinary authority. Subsequently, he submitted post confirmation petition in January, 2006 under Section 164 of Army Act which was rejected by the Ministry of Defence *vide* its order dated 23.01.2006. Later, he also filed a petition for annulment of GCM proceedings under Section 165 of Army Act.
- (iii) He also filed a Writ Petition No 4681/2008 in Delhi High Court praying for the quashing of GCM proceedings. The said Writ Petition was transferred to the Armed Forces Tribunal (AFT) (RB), Kolkata Bench as TA No. 84/2011. In its interim Order dated 26.03.2012, the Hon'ble AFT ordered the respondents to take a decision on representation dated 07.07.2007 of the applicant and to inform the Tribunal that the said petition was examined along with the proceedings of GCM. Accordingly, the Ministry of Defence considered the said petition and based on the opinion of Ld. Solicitor General annulled the findings and proceedings of GCM dated 16.05.2005 and confirmation Order dated 21.10.2005 being time barred, illegal and unjust and also allowed the petition earlier filed by Major R. S. Dudee

of 36 Infantry Division Ordnance Unit. It was mentioned in the Order that he is entitled to all consequential benefits as admissible under Rules on the subject.

- (iv) Thereafter, Col (TS) (Retd.) R. S. Dudee was reinstated in service, *w.e.f.*, 13.01.2014 and granted full pay of his rank and all benefits as per rules. He was also promoted to the rank of Lieutenant Colonel retrospectively, *w.e.f.*, 16.12.2004 and subsequently, the officer was granted the rank of Colonel by Time Scale on 30.06.2015 upon completion of 26 years reckonable commissioned service.
- (v) Subsequently, Col (TS) (Retd.) R. S. Dudee again filed OA 260 of 2016 at AFT (PB) New Delhi seeking *inter-alia* promotion to the rank of Brigadier and consequential benefits which was allowed on 17.01.2017. However, Civil Appeal No.3410 of 2017 was filed by Union of India (UOI) on 01.02.2017 and the Hon'ble Court stayed the operation of Order dated 17.01.2017 on the condition that the UOI shall take a decision on the promotion of the officer to the rank of Colonel, within a period of two weeks in accordance with law. In the meantime, the officer retired from service on 02.02.2017 on attaining the age of superannuation.
- (vi) Col (TS) (Retd.) R. S. Dudee, then filed OA No.104 of 2017 before the AFT, Lucknow against the non-empanelment for promotion. The Tribunal *vide* its Order dated 27.03.2017, allowed the OA setting aside the result of Special No.3 Selection Board and directed fresh consideration of the officer keeping in mind the observations of the Tribunal that the officer is high in merit and also imposed cost of Rs.5 lakhs upon Respondent for allegedly forcing the officer to litigate. The UOI, however, filed an appeal in the Supreme Court in December, 2017 challenging the said Order dated 27.03.2017 of AFT which was allowed *vide* its Order dated 03.07.2018 to set aside cost of Rs. 5 lakh awarded to the Respondent and quashed the judgment of AFT *in toto*.
- (vii) As regards the instant Representation of Smt. Suman Dudee submitted before the Committee on Petitions, Lok Sabha, the following consequential benefits have been asked for by the Representationist, Smt. Dudee in respect of her husband Col (TS) (Retd.) R. S. Dudee:-

- (a) **Promotion:**
- (i) Rank of Major General;
 - (ii) Awards of Sena Medal and Vishistha Sewa Medal;
 - (iii) Seniority as per 1986 Batch Officers; and
 - (iv) Date of his retirement to be reckoned as 31.01.2025.
- (b) **Compensation:**
- (i) 20 Million Dollar for malicious prosecution to be given to Swami Ramdev for the education of children of Martyr (*Shaheed*);

- (ii) Rs. 6.68 crore for the wrongful confinement; and
- (iii) Rs. 26.46 crore for the fear of wrongful confinement.

- (c) **Restoration:** Honorary control to both of their sons, S/Shri Happy Dudee and Smile Dudee.
- (viii) The past disciplinary records of Col (TS) (Retd) R. S. Dudee have also not been so favourable. Previously, before the GCM proceedings of 2005, he had been summarily tried under Section 83 of the Army Act by the Commander of 29 Artillery Brigade for the offence of 'absenting himself without leave' for 03 days from 27.06.1991 to 29.06.1991. The Officer pleaded guilty to the charge under Section 39 (a) of the Army Act and was sentenced to 'Reprimand'. He was also awarded 'Displeasure' by GOC 29 Infantry Division in the year 1991 for irregularities pertaining to procurement/accounting of Ordinance Stores.
- (ix) Considering the trial proceedings and punishment as per GCM of 2005, the stand of Indian Army has been consistent in dealing the case of Col (TS) (Retd) R. S. Dudee. Even the sentence awarded by the GCM was confirmed with remission of six months out of three years rigorous imprisonment by the competent Disciplinary Authority. Besides, he being a habitual litigator, has already been granted various kinds of relief as per interventions of the Armed Forces Tribunal, High Court and Supreme Court.
- (x) In August, 2006, he was not considered by the Selection Board No. 3 for promotion to the rank of Colonel as he was imprisoned. Later in April, 2016, he was considered by the Selection Board for promotion, but was not empanelled based on his overall profile and comparative merit. Further, in compliance of the Court's Order in 2017, the Union of India considered his promotion to the rank of Colonel, but the Selection Board found the officer 'Not Fit for Empanelment' for promotion. Besides, the officer had failed below average in two courses and poor in one course and further the pyramid for promotion is very narrow in the Indian Army in respect of the top posts.
- (xi) His demands of promotion and compensation have already been decidedly rejected by judgments of various Courts and thus, is squarely covered by the principal of '*res-judicata*'.
- (xii) Col (TS) (Retd) R. S. Dudee has already been paid an amount of Rs.1,28,80,918/- as consequential benefits of reinstatement and has been granted re-employment after retirement as well. The claims of promotion and compensation are, therefore, misconceived and not maintainable as they have already attained finality in view of the rulings of various Courts including the Apex Court. Hence, there is no merit in the petition filed by Smt. Suman Dudee.

6. After hearing the views of the representatives of the Ministry of Defence (Department of Military Affairs), the Committee expressed their views as under:-

- (i) The action was initiated in the case of Col (TS) (Retd.) R. S. Dudee during the GCM of 2005, on the basis of anonymous or pseudonymous complaints.
- (ii) The competent Disciplinary Authority did not confirm the findings on all the charges levelled against Col. (TS) (Retd) R. S. Dudee in GCM, 2005 due to which the sentence awarded by GCM was reduced by six months out of three years rigorous imprisonment.
- (iii) Col (TS) (Retd) R. S. Dudee was tried by GCM in the year 2005, however, he moved the Court only in the later part of his service which suggests his apprehension of being victimized.
- (iv) It appears that he has been implicated under a well-planned Departmental career-related rivalry with malicious intention, which ultimately compelled him to move the Court for redressal of his grievances.

7. Thereafter, the representatives of the Ministry of Defence (Department of Military Affairs) stated before the Committee that they are fully sympathetic in the case of Col. (TS) (Retd.) R. S. Dudee and assured that they would reconsider the case and if any high-handedness of the Department is found, they would find out as to how some more relief could be given to Col. (TS) (Retd.) R. S. Dudee.

8. The Committee, thereafter, asked for appropriate clarifications from the Ministry of Defence (Department of Military Affairs) on the following aspects:-

- (i) To evaluate the instant case keeping in view the mental agony, physical and economic harassment which the Officer along with his family members have undergone all these years.
- (ii) To furnish the details/proposal from the Department of Military Affairs on the aspect of extending consequential benefits, in any manner, to Col. (TS) (Retd.) R. S. Dudee.
- (iii) To furnish the details/proposal from the Department of Military Affairs to compensate the mental, physical and economic harassment faced by Col. (TS) (Retd) R. S. Dudee along with his family members by giving him additional relief or honour, etc.

[The representatives of the Ministry of Defence, then, withdrew]

9.	x x x	x x x	x x x
10.	x x x	x x x	x x x
11.	x x x	x x x	x x x

12. A copy of the verbatim of the proceedings of the sitting of the Committee has been kept.

The Committee, then, adjourned.

x x x not related to the report,

CONFIDENTIAL

MINUTES OF THE SEVENTH SITTING OF THE COMMITTEE ON PETITIONS
(SEVENTEENTH LOK SABHA)

The Committee met on Thursday, 27 August, 2020 from 1130 hrs. to 1200 hrs. in Committee Room 'C', Parliament House Annexe, New Delhi.

PRESENT

Dr. Virendra Kumar - Chairperson

MEMBERS

2. Shri Brijendra Singh
3. Shri Sushil Kumar Singh
4. Smt. Anupriya Patel
5. Shri Harish Dwivedi

SECRETARIAT

1. Shri T. G. Chandrasekhar - Joint Secretary
2. Shri Raju Srivastava - Director
3. Shri G. C. Dobhal - Additional Director

2. At the outset, the Hon'ble Chairperson welcomed the Members to the sitting of the Committee.

3. The Committee, thereafter, took up for consideration the draft Report on the representation of Smt. Suman Dudee regarding injustice to her spouse, Col. (TS) (Retd.) Ran Singh Dudee by denying him consequential benefits and other important issues related therewith.

4. After discussing the above mentioned draft Report in detail, the Committee adopted the Report without any modification(s). The Committee also authorised the Chairperson to finalise the draft Report and present the same to the House.

S. x x x

x x x

x x x

The Committee, then, adjourned.

xxx NOT related to the Report.

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