

A-70
01.09.2025
Court No.14
AGM

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 17107 of 2024

Commodore Prodyut Kumar Banerjee
Vs.
Union of India & Ors.

Ms. Chama Mookherji.
Mr. Anujit Mookherjee.
Ms. Monisha Chatterjee.
Ms. Reshmi Nehar.

... for the Petitioner.

Mr. S. Bhattacharjee

...for the Union of India.

1. The petitioner is a retired member of the Armed Force. The petitioner intended to obtain certain information under the Right to Information Act. The said information has been handed over by the learned advocate representing the respondent authorities and the same is retained with the records. A copy of the same has been handed over to the learned advocate representing the petitioner.
2. According to the petitioner, information that has been provided does not cater to the policy relating to restoration of numerical gradation on setting aside of the adverse remarks.
3. Learned advocate representing the Union of India submits, upon instruction that, the document that has

been handed up in Court is the only document relating to policy regarding numerical gradation. According to the authority, there is no further policy regarding restoration of numerical gradation on setting aside of adverse remark from the ACR.

4. Learned senior counsel representing the petitioner submits that as the authority is unable to provide for any further policy, accordingly, the petitioner would be entitled to service benefit on restoration of his gradation.
5. It appears that the information sought for by the petitioner has been provided. If the petitioner is aggrieved by the same, he ought to move the competent forum. The Court is of the opinion that the prayer relating to grant of service benefit/restoration of gradation of a retired member of the armed force cannot be adjudicated in the writ jurisdiction.
6. In view of the above, the writ petition stands disposed of. It will be open for the petitioner to approach the competent forum for remedy, in accordance with law, if so advised.
7. Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)