

Army chief vs Govt begins in Supreme Court, this round to the General

New Delhi, February 03: The chief of the Indian Army, General V K Singh, won the first round of his legal battle against the government in the Supreme Court today. The judges said that the process used by the government to reject his claim that he was born in 1951 and not 1950 is defective or "vitiating".

The government has been told to either withdraw that decision, taken on December 30, or have it officially over-ruled by the court. The next hearing has been scheduled for February 10.

The problem, the Supreme Court said, lies in the role played by the Attorney General GE Vahanvati. The two judges said that in July last year, the Defence Ministry consulted the Attorney General about General Singh's claim.

Mr Vahanvati opined against the Army chief. When General Singh filed a statutory complaint against that decision, the Attorney General was again part of the process of rejecting the complaint.

The court has questioned how the same legal officer's advice was used again when deciding on the General's appeal in December.

The judges said, "The material on record will not withstand the test of principle of natural justice." The Attorney General said, "If you want, I will not appear (in the case)."

"He said he will ask the government to respond to the court's stand on the need to withdraw its order of December 30 against the chief.

The fact that the next Supreme Court hearing is a week later gives the government and the General more time to explore the terms of a possible compromise. Last evening, General Singh, wearing civilian clothes, met Finance Minister Pranab Mukherjee, triggering speculation that both sides remain keen to find a truce.

The unprecedented gesture of taking the government to court has led to a national debate over whether this was an embarrassment that the armed forces and the government could or should have deterred.

Sources in the government say that the severity of the court's observations today has taken the Defence Minister and his officials by surprise.

Privately, some were confident that the case would either be dismissed or sent to the Armed Forces Tribunal, where the matter would likely take months to resolve, allowing General Singh to retire, as scheduled, at the end of May.

But the Supreme Court flagged that as problematic, pointing out that there are only four months before he has to step down. The judges also said though the tribunal is headed by its retired judge, it has officers as members as well, and some could be either the general's juniors, or have served as his seniors at some point.

General Singh has said in his petition to the Supreme Court that the government's refusal to accept his age has affected his image among the public and the armed forces. He has argued that "an army chief has a right to retire with dignity".

He has said he recognizes the government's right to determine his tenure. But the fact is that if his claim is accepted and 1951 is used as his year of birth, he becomes eligible for another year in office.

The Army has, for three decades, maintained records with both 1950 and 1951 as General Singh's year of birth. The chief says that he has tried on several occasions to have the records corrected, but his appeals were turned down.

General Singh pleads that 1951 is the correct year. The government says that documents with the Army's official record-keeper, the Adjutant General, list 1950, and it is these documents that were used to give General Singh several promotions, including the last one that made him the head of the Army.

Courtesy NDTV

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