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**COURT NO. 1**  
**ARMED FORCES TRIBUNAL**  
**PRINCIPAL BENCH, NEW DELHI**

**24.**

**MA 3527/2023 with MA 846/2024 in OA 276/2022**

**Lt Col Nandita Satpathy**

**... Applicant**

**Versus**

**Union of India & Ors.**

**... Respondents**

**For Applicant :**

**Mr. S S Pandey, Advocate**

**For Respondents :**

**Mr. Satya Ranjan Swain, Advocate**

**CORAM :**

**HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON**  
**HON'BLE LT GEN C.P. MOHANTY, MEMBER (A)**

**ORDER**  
**03.04.2024**

1. This case indicates the pathetic lacklustre manner in which the respondents are dealing with implementation of orders passed by this Tribunal. In this case OA 276/2022 was decided by this Tribunal on 19.04.2023. About a year is going to be over and when the order was not implemented within the time frame given, applicant filed this Execution Application on 25.08.2023 i.e. after four months. When the matter came up on 06.09.2023 we were informed that an SLP has been filed before the Hon'ble Supreme Court on 01.09.2023 and this Court observed that merely filing of

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an SLP shall not render the execution proceedings null and until and unless appropriate orders are not issued by the Hon'ble Supreme Court including stay of the order passed by this Tribunal, the respondents are required to comply with the order of this Tribunal within the time prescribed. In spite thereof, we granted time to the respondents to comply with the order. Ultimately, when the matter was taken up on 29.09.2023, we were informed that the matter has come up before the Hon'ble Supreme Court and on 22.09.2023, SLP filed by the UOI has been dismissed. After dismissal of the SLP on 22.09.2023 the matter has been kept on dragging on one pretext or the other and the affidavits filed by the respondents indicate that they have been somehow trying to ensure that the order is not implemented by showing scant disregard to the order passed by this Tribunal to implement the order within four months even after dismissal of the SLP on 22.09.2023. More than six months have passed and till date the matter stands where it was when the OA was disposed of by this Tribunal on 19.04.2023.

2. We are constrained to note that there are more than 1800 cases pending before the Tribunal wherein orders passed by this Tribunal are not being implemented for months and years together



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and in the absence of there being any provision for taking action for contempt, this court is handicapped in dealing with issues pertaining to execution. This case is an example of the manner in which the respondents are implementing the directions of this court. The respondents may have grievance with regard to an order passed by this Tribunal that gives a right to the respondents to either challenge the order before the Hon'ble High Court or go to the Hon'ble Supreme Court and obtain appropriate stay order. But in the garb of filing writ petitions and SLP, the matters cannot be kept pending for a long period of time. Instances have come to our notice where execution applications have been filed and after one year, writ petitions and SLPs have been filed by the respondents in the Supreme Court. This court is handicapped in dealing with more than 1800 execution petitions in ten Benches of this Tribunal.

3. We have also been informed by Learned Counsel on behalf of Respondents on numerous occasion that written orders to the effects have been issued by the MoD to the <sup>Services</sup> to file LTAs/RAs/MA on frivolous grounds even in identical cases which are well settled by the verdicts of Hon'ble Supreme Court and also in similar cases which have already been implemented by the



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competent authority themselves. Some of the matters which are no longer *res-integra* are judgements related to Notional Increment, Last Rank Pay and cases where verdicts of Armed Forces Tribunal have been upheld by Hon'ble Supreme Court. Such scant regard to the orders of the court are nothing short of blatant contempt of court orders for which we have already constituted a Larger Bench with a view to take actions against the defaulter within the powers available to us under Section 19, 25 & 29 of Armed Forces Tribunal Act. That apart we have already referred 23 cases to Hon'ble Delhi High Court to initiate civil contempt actions which have the propensity to snow ball into severe embarrassment for the Ministry and the defence services as there is no scope under law to dismiss the order of the Hon'ble Court by departmental actions without challenging the same in a higher court.

4. Before initiating the contemplated legal action against the Ministry as a last resort, we consider it prudent to direct the personal appearance of Secretary, Ministry of Defence before this Tribunal. In this case no appearance of any subordinate officer on behalf of the Defence Secretary shall be permitted at any cost. The Defence Secretary is thus directed to accordingly appear on



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08.05.2024 at 02:30 PM in the Conference Room of Armed Forces Tribunal, Principal Bench, New Delhi.

5. List the matter on **08.05.2024** for necessary compliance.
6. In case the order is implemented at an earlier date, respondents are granted liberty to mention the same.

**'DASTI'**

Sd

**[JUSTICE RAJENDRA MENON]  
CHAIRPERSON**



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**[LT GEN C. P. MOHANTY]  
MEMBER (A)**

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