

**ARMED FORCES TRIBUNAL**  
**CHANDIGARH BENCH BAR ASSOCIATION**  
(Near Tank TCP, Chandimandir, Panchkula, Haryana-134107)

Ref No CJI/03/2023

DATED: 04.10.2023

To:  
Hon'ble Dr Justice DY Chandrachud  
Chief Justice of India  
Supreme Court of India  
Tilak Marg  
New Delhi -110 001

**Subject: More proof of direct interference of Ministry of Defence in the Judicial functioning of the Armed Forces Tribunal, further to our letters dated 03 Aug 2023 and 25 Sept 2023.**

Hon'ble Sir,

1. This is with reference to our letter Ref No CJI/1/2023 dated 03 Aug 2023 wherein firstly we had informed you as to how, after strict orders of Chandigarh Bench of Armed Forces Tribunal based on the direction of the Hon'ble Supreme Court and High Court for implementing six-year-old judgments, the Ministry of Defence, had, on 28 July 2023, directed the Armed Forces Tribunal to prepare a report on the decisions on pay and pension matters taken by the Chandigarh Bench of the AFT and furnishing comments by 5 PM of the same day to the Defence Secretary. Needless to say, the Defence Ministry is the first opposite party in all litigation in the AFT and such direction by a litigant to a Judicial body amounts to direct interference in the functioning of the Court and a direct assault on the Independence of Judiciary.

2. That related to this above incident was our second letter Ref No CJI/02/2023 dated 25.09.2023 wherein we had pointed out that Justice Dharam Chand Chaudhary, Judicial Member cum Head of Department of Chandigarh Bench, and former Acting Chief Justice of Himachal Pradesh High Court, who was to take action for contempt of Court for non-implementation of six-year-old judgments on directions of the Hon'ble High Court, was posted out by the Chairperson of AFT under the pressure of the Defence Ministry a day prior to the date of contempt hearings in the Court to save the contemnor, an Officer of the Defence Accounts

Department. The Chairperson also transferred the contempt applications to himself. It is not a coincidence that the file of extension/re-appointment of the Chairperson is under consideration through the Defence Ministry although as per the Tribunal Reforms Act, 2021, the post has to be advertised and a proper selection committee needs to be constituted for fresh applicants as well existing Chairperson/Members. Any such extension/re-appointment being considered by the Ministry, is hence, against the provisions of the Tribunal Reforms Act, 2021.

3. It is now highly regretted to inform you that a video clip which has gone viral on social media of an event conducted by the Defence Accounts Department on 01 Oct 2023 shows the Hon'ble Defence Minister,(Raksha Mantri) openly admitting the interference of the Ministry in the matter of the transfer of the Judicial Member just before he could hear the case of contempt, wherein he is openly heard saying " that one cannot keep everybody happy and one of your officers just got saved and escaped"( एकाउंट्स डिपार्टमेंट तो अपने आप में एक ऐसा डिपार्टमेंट होता है जिसकी जिम्मेदारी लेकर आप सबको खुश नहीं रख सकते । कोई ना कोई नाराज़ होगा पक्की बात है । क्योंकि संसाधन सीमित होते हैं और देखिए आप के यहाँ एक अधिकारी जाते जाते बच गई । ) and further adding that a hint was enough regarding this incident, leading to laughter from the audience, which shockingly included the same contemnor he was referring to. The video can be forwarded to your office by us in case it is so desired. The laughter regarding committing contempt of court and flouting of judicial orders is also very distasteful.

4. Further, a few days earlier, on 04 Aug 2023 as reported in the media and also in an official press release, the Minister also told the Members and the Chairperson of the AFT, there was a need to slow down the disposal and be careful while expediting Judicial process since "Justice hurried is Justice buried." This resulted in certain members saying openly in Courtrooms that the case disposal would have to be slowed down by the Tribunal. One can imagine the negative effect on the confidence of litigants before the AFT wherein the Defence Ministry (the Opposite party and first litigant in all litigation before the Tribunal) is itself advising a Court of Law as to how it is to conduct its litigation, and Members of the said Court dutifully following it. It is for this reason that the Hon'ble Supreme Court in **UOI Vs R Gandhi (2010) 11 SCC 1 and Madras Bar Association Vs UOI (2021) 7 SCC 369** has directed that the Tribunal cannot be placed under the Ministries against

which they have to pass orders. It is also surprising that while all Courts and Government Departments endeavour to speed up disposal rates in judicial bodies, here the Ministry of Defence (the primary litigant) is asking the Court to slow down disposal. It is understood that the Principal Bench at Delhi, for this reason, does not dispose cases and keeps them reserved for months together. Data of the same must be called for.


5. We are not for a moment questioning the integrity of the Raksha Mantri or Defence Secretary who are both known to be honest gentlemen, but pointing out as to how they are being misguided by Ministry of Defence officials, especially of the Accounts/Finance Department, who face much heat and strict orders from various Courts and Tribunals and try to mislead the higher authorities about the functioning of the Courts. In any case, whatever might be the reasons for this direct attack on the independence of the AFT, this is neither acceptable to the lawyers nor litigants and has shaken the faith of the vast population of ex-servicemen, disabled ex-servicemen and widows who constitute the majority of litigants before the tribunal.

We hope, Hon'ble Sir, you will take effective steps to nip this malaise in the bud by taking cognizance since we look towards you as the Head of our Family.

  
RS Panghal, President

Phone:- 7009854516



  
Ajay Sheoran, Secretary

Phone: 9888693785

