

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

1.

**MA 309/2011 in TA 646/2009 (Writ Petition (Civil) No. 12353/2005)**

Ex Hav (GD) Nancha Ram Jat	.....	Petitioner
Versus		
UOI	.....	Respondent

For petitioner : Mr NL Bareja, Advocate  
For respondent : Mr SP Sharma, Advocate

**CORAM:**

**HON'BLE MR. JUSTICE VIRENDER SINGH, CHAIRPERSON  
HON'BLE LT. GEN. SANJIV LANGER, MEMBER (A)**

**O R D E R  
02.02.2017**

Through the medium of the instant Miscellaneous Application, the petitioner wants to reap the fruits of the judgment dated 22.08.2010, the operative part thereof read out to the Bench by the learned counsel for the petitioner.

2. Perusal of some of the orders available on record indicates that against the judgment dated 22.07.2010, the Union of India has filed an SLP before the Hon'ble Supreme Court, in which there was some delay, therefore, application for condonation also. Admittedly, the Union of India has not been able to get any favourable order till date. Our attention has been drawn by the learned counsel for the petitioner to the order dated 25.02.2015. It would be relevant to reproduce Paragraph 2 of the said order, which reads:

*"2. We found from the record that only one copy of the order dated 18.09.2012 passed by the Hon'ble Supreme Court is available where by the notice on application for condoning the delay was ordered and therefore, it is essential to order that, if the respondent has not yet got any interim order of the Hon'ble Supreme Court, why the petitioner will be deprived of the benefit of the order passed by the Tribunal and therefore, if the order of the Tribunal has not been stayed, same be implemented without any further delay."*

Thereafter, the matter was adjourned for 5-6 times and when taken up on 04.11.2016, the Bench observed as under:

***“3. Admittedly against the said order the respondents filed Civil Appeal No.28406/2011 together with an application seeking condonation of delay, before the Hon’ble Supreme Court. It is also not in dispute that though the said proceeding is presently pending before the Hon’ble Supreme Court, no interim order has been passed till date staying the order passed by this Tribunal. As noticed above, the applicant has not been granted the benefit of aforesaid order dated 22.7.2010 despite expiry of more than six years on the ground of pendency of appeal before the Hon’ble Supreme Court where no interim order has been passed.***

***4. In view of the above, we direct the respondents to place on record on the next date, the interim order, if any, that may be passed by the Hon’ble Supreme Court or to produce a copy of the PPO based on the order dated 22.7.2010 passed by this Tribunal. List on 09.01.2017. “***

3. We have been informed by the learned counsel for the respondents, on instructions of Maj. Renu in the Court, that the appeal filed by the Union of India against the judgment dated 22.07.2010 of this Tribunal was tagged with other appeals filed by the Union of India originating from the High Court of Delhi, as the issue, according to the learned counsel, in all the appeals was the same. He states that all those appeals originated from the High Court of Delhi have already been disposed of by the Hon’ble Supreme Court and the matter stands remanded, whereas the appeal filed against the judgment dated 22.07.2010 was de-tagged. He fairly states that the matter has not been taken up by the Hon’ble Supreme Court till date and perhaps, no further orders have been passed in the appeal filed by the Union of India.

4. Under normal circumstances and looking at the two orders passed on two earlier occasions dated 25.02.2015 and 04.11.2016, we would have taken a very harsh view, but, in the interest of justice, we grant another opportunity to the Union of India to implement the order dated 22.07.2010, subject to payment of Rs.10,000/- costs to the petitioner

through his counsel. A request has been made for adjourning the matter for at least four weeks, to appraise the Court of the latest outcome of the appeal filed by the Union of India or otherwise to implement the judgment dated 22.07.2010.

4. List again on **07.03.2017**.

5. As requested, the order be handed over to the learned counsel for the respondents **dasti**, under the signature and seal of the Tribunal Officer.

**(VIRENDER SINGH)**  
**CHAIRPERSON**

**(SANJIV LANGER)**  
**MEMBER (A)**

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