

**COURT No.2, ARMED FORCES TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

40.

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

Ex Hav (GD) Nancha Ram Jat	Petitioner
Versus		
Union of India & Ors.	Respondents

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

CORAM:

**HON'BLE MR. JUSTICE B.P.KATAKEY, OFFG CHAIRPERSON
HON'BLE LT. GEN. SANJIV LANGER, MEMBER**

**ORDER
04.11.2016**

Heard the learned counsel for the applicant and also learned counsel appearing for the respondents.

2. The applicant has filed this MA seeking execution of the order dated 22.7.2010 passed in TA 646/2009 whereby and whereunder this Tribunal while setting aside the order of SCM directed that the applicant shall be deemed to have been discharged from service and consequently he will be entitled to pensionary and other benefits from the date he was dismissed by the SCM.

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**.
Dasti.

(B.P. KATAKEY)
OFFG CHAIRPERSON

(SANJIV LANGER)
MEMBER

04.11.2016vk

