

COURT No.1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

(Through Virtual Hearing)

20.

CA 2/2021 IN OA 1682/2021

Lt Col Parag Doval Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Ms. Neela Gokhale, Advocate
For Respondents : Mr. S.R. Swain, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE LT GEN P.M.HARIZ, MEMBER (A)

ORDER
24.09.2021

CA 2/2021

This application has been filed seeking action for contempt under Section 19 of the Armed Forces Tribunal Act, 2007.

2. Referring to para 6 of the order passed by us on 18th August, 2021 in OA 1682/2021, it is argued that in spite of the directions issued by this Tribunal, the respondents have not adhered to diligently consider the request of the applicant to conduct the Court of Inquiry in a manner as permissible under the Rules. The observations and directions made by us in para 6 read as under:

“Heard both parties at length. Since the CoI is a fact-finding mechanism and the fact that disciplinary actions, if any, will only be contemplated by the competent authority once the CoI is concluded and perused, we see no reason to interfere with the proceedings at this stage. Without going into the merits of the case, we wish to emphasise that all applicable statutory provisions in conduct of a CoI be

adhered to diligently. The respondents are directed to examine relevant issues raised by the applicant and dispose them of as applicable.”

3. This observation has to be read along with earlier part of the order and we find that for various reasons recorded in the order we were not inclined to interfere into the disciplinary action which was in progress. However, considering the grievance of the applicant, without examining anything on merit, it was only an observation made by us emphasizing that all applicable statutory provisions should be followed in conducting the Court of Inquiry. At this stage, when the Court of Inquiry is in progress, on the grounds that certain procedures are not being followed, we are not inclined to initiate any action for contempt. It is not a fit case where action for contempt can be initiated. On the contrary in case the Court of Inquiry is not held in accordance with the requirement of law, after the final decision is taken, the applicant will always have the remedy to challenge it in accordance with law and, therefore, finding no case for initiating any action for contempt, this application stands dismissed.

4. This application for contempt stands disposed of.

5. List the OA on 20th October, 2021, the date already fixed.

(RAJENDRA MENON)
CHAIRPERSON

(P.M. HARIZ)
MEMBER (A)