

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

35.

MA 1521/2023 in OA 2613/2022

In the matter of :

ALD (Navet) Rakesh Kumar

... Applicant

Versus

Union of India & Ors.

... Respondents

For Applicant : Shri Rakesh Kumar Yadav, Advocate

For Respondents : Shri Anil Gautam, Sr CGSC

CORAM :

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

O R D E R
24.04.2023

1. In spite of the order passed on 28.02.2023 in OA 2613/2022 directing that the applicant should be granted NOC and discharge for joining on the civil post with specific directions to discharge him on or before 31.03.2023, so that he can join on the post to which he has been appointed. We had also requested the Haryana Public Service Commission to grant time to the applicant to join on the post, the time for joining is going to be over on 30th of this month and in spite of the fact that the order was passed on 28.02.2023, in this execution application that is about two months back but till date the order has not been complied with and the respondents have not brought on record

anything to show that the applicant has been discharged so that he can join on the post during the period of extension granted by this Tribunal on a request made to the Haryana Public Service Commission.

2. Judicial notice is taken of the fact that the respondents not only in this case but also in most of the cases pertaining to the execution of this Hon'ble Tribunal's orders are taking time to implement the orders. On an average orders are implemented after a period of one or one and half years and about 20% of the litigation pending in this Tribunal are on account of non-implementation of the orders. Taking note of the aforesaid, it is directed that a copy of this order be sent to the Secretary, Ministry of Defence, the In-Charge of the Pay and Accounts Departments and the Chief of the Army Staff so also to the CDS, for their information. We direct the respondents further herein to show cause as to why contempt proceedings should not be initiated against them and the matter be referred to the Delhi High Court for taking contempt action against the Officers responsible for not implementing this Tribunal's order. We are constrained to do so, taking note of the fact that everyday more than 20-30 applications for executions are filed and every day we

grant time and it takes more than a year or two to implement the orders. Most of the orders are not implemented because of the in-action on the part of the officers in the office of, the Pension Payment Authorities who sit over the files for long period of time. Therefore, it is a fit case where coercive action shall be taken against the officers, particularly the officers dealing with finance department and the pension payment authority. We grant a weeks' time to comply with this order, failing which, we will refer the case to Delhi High Court for initiating contempt action with a request to the Chief Justice of the Delhi High Court to register it as a criminal complaint and proceed into the matter.

3. A copy of this order to be provided ***'DASTI'*** to learned counsel for both the parties.

List the matter on 28.04.2023.

[RAJENDRA MENON]
CHAIRPERSON

[C.P. MOHANTY]
MEMBER (A)

/jyoti/namita