

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

31.

MA 2786/2023 in OA 1686/2022

Maj Isleen Kaur ... Applicant
Versus
Union of India &Ors. ... Respondents

For Applicant : Shri Indra Sen Singh, Advocate
For Respondents : Shri Anil Gautam Sr CGSC with
Maj. A. R. Subaramanium, OIC Legal Cell

CORAM :

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

ORDER
11.09.2023

MA 2786/2023

Vide order dated 1st May, 2023 passed in OA No. 1686/2022, the following directions were issued in Para 33.

- (a) Expunction of the entire impugned CR for period 01.11.2019 to 31.10.2020.
- (b) Respondents shall reinstate the applicant with a grant of 04 years of extension calculated from the date of actual reinstatement with all consequential benefits within two months.
- (c) The applicant shall be considered by the next selection board for PC with the revised profile and if found within the merit list, will be granted Permanent Commission without any loss of seniority.

Thereafter when the order was not complied with for about more than two months, this application has been filed for execution on 17.07.2023.

Notices were issued on 25.07.2023 and even though, about two months are over, the respondents have not indicated as to what action has been taken in the matter.

2. Today when the matter is taken up, the representatives from the OIC Legal Cell brought to our notice a communication made on 31st August, 2023 by the departmental authorities to the Ministry of Defence for expediting the matter and for passing appropriate orders and intimating about the pendency of the execution proceedings. We have taken note of the fact that after orders are passed by this Tribunal, the respondents are taking inordinately long period of time in processing the matter on the administrative side and for six to eight months no action has been taken and a large number of execution applications are pending. Recently, a Bench of the Hon'ble Supreme Court has taken serious note of the fact that orders passed by the Courts are not being implemented and it has been observed that it is only because a lenient view is taken by the Court or the Tribunal. The departmental authority are sitting over the matter.

3. Taking note of the aforesaid, we direct the respondents to take action expeditiously to implement the order or challenge the same before a higher forum and obtain a stay order, failing which, we would be compelled to take coercive action in the matter and no further time would be granted.

4. Issue a copy to the respondents for taking necessary action.

5. List the matter again on **30.10.2023**.

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

**[RAJENDRA MENON]
CHAIRPERSON**

**[C.P. MOHANTY]
MEMBER (A)**

/JYOTI/