

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

59.

MA 972/2024 in MA 939/2023 in OA 1804/2021

Hav Madhawendra Mishra ..... Applicant  
Versus  
Union of India & Ors. .... Respondents

For Applicant : Mr. Rajiv Manglik, Advocate  
For Respondents : Mr. Rajeev Kumar, Advocate

CORAM

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

O R D E R  
11.03.2024

MA 972/2024

Issue notice to the respondents. Mr. Rajeev Kumar, learned counsel appearing for the respondents accepts notice.

Considering the fact that the applicant was already promoted to the post of Nb Sub on 28<sup>th</sup> November, 2020 vide Annexure A-1 available on the records of the original application which promotion was not given effect to in view of the pendency of the appeal against the applicant and the applicant having been acquitted of all the charges in the criminal case now the respondents are required to implement the promotion order issued vide Annexure A-1 dated 28<sup>th</sup> November, 2020.

It is the case of the applicant in this application for execution that the promotion order is not being implemented on the ground that the applicant has already retired. In our

considered view, this fact cannot be accepted once the applicant is acquitted of all the charges and the promotion order dated 28<sup>th</sup> November, 2020 was not implemented, in view of the pendency of the criminal case and now after acquittal the respondents are required to implement the order dated 28<sup>th</sup> November, 2020.

Issue notice to the respondents to show cause as to why the same has not been done, returnable on **21.03.2024**.

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

**[JUSTICE RAJENDRA MENON]  
CHAIRPERSON**

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

**/jyoti/**