

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

10.

OA 999/2018 with MA 1775/2018

Major Deepak Bhagat

... Applicant

Versus

Union of India & Ors.

...Respondents

For Applicant : Mr. I.S. Yadav, Advocate

For Respondents : Mr. V.S. Tomar, Advocate

CORAM:

HON'BLE MR. JUSTICE V.K. SHALI, MEMBER (J)

HON'BLE LT. GEN. SANJIV CHACHRA, MEMBER(A)

**O R D E R
18.01.2019**

It has been brought to the notice despite a series of judgments for grant of Counter Insurgency Allowance to Army officials posted in the Border Road Organisation (BRO), still the respondents are not extending the benefit of the said judgment to all the similarly placed officials until and unless they obtain an order from Tribunal for payment of such Counter Insurgency Allowance. This in our view is not only wilful disobedience but it also tends to be vexatious in nature to compel everybody to go to the Tribunal for orders. This results in avoidable litigation between the Army officials and the respondents.

2. It has been informed by OIC, Legal Cell on the basis of DGBR Letter No. 18147/SCCIA/DGBR/TC dated 09.12.2016. that despite the fact that Army Authorities have written to the Ministry of Defence for extending the benefit of Brig. A.K. Bhutani & Ors. case

in OA 144/2011 across the board, still the Ministry of Defence has not taken decision in this regard.

3. Before any further order is passed, we would like to peruse the files of the Ministry as well as the files of the respondents in which the matter with regard to implementation of Brig. A.K. Bhutani's judgment across the board has been dealt with.

4. Let the same files be produced in the Tribunal on next date of hearing.

5. **'Dasti'.**

6. List on **29th March 2019.**

**[JUSTICE V.K.SHALI]
MEMBER (J)**

**[LT. GEN. SANJIV CHACHRA]
MEMBER(A)**

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