

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

35.

MA 496/2023 IN MA 2997/2019 IN OA 311/2015

Dfr. Rajpal (Retd)	.....	Applicant
Versus		
Union of India & Ors.	.....	Respondents

For Applicant	:	Mr. Indra Sen Singh and Mr. Aditya Bari, Advocates
For Respondents	:	Mr. Prabodh Kumar, Advocate

CORAM

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

O R D E R  
11.12.2023

MA 496/2023

An order in the matter of granting financial upgradation based on the MACP scheme w.e.f 1<sup>st</sup> January, 2006 after completing 24 years of service was passed by this Tribunal in OA 311/2015 on 13<sup>th</sup> January, 2016.

2. In spite of the fact that an order was passed on 30<sup>th</sup> September, 2021 and the order was directed to be complied with immediately, when nothing was done by the respondents for more than 2 years, applicant has invoked the jurisdiction of this Tribunal under Section 29 of Armed Forces Tribunal Act, 2007 seeking execution of the order passed on 13<sup>th</sup> January, 2016.

3. On notice being issued, respondents after taking adjournments on more than five occasions, on 4<sup>th</sup> October, 2023 produced before us a communication dated 27<sup>th</sup> September, 2023 indicating that sanction has been granted for implementon of the order and the order was forwarded to the PAO (ORs) ACR, Ahemdnagar, Near SBI Main Branch, Ahmednagar- 414002 for issuing appropriate PPOs for confirming the benefit to the applicant. Thereafter, when the matter was taken up on 30<sup>th</sup> October, 2023, as a matter of last indulgence, we granted four weeks time to comply with the order with a clear understanding that in case the order is not complied with we shall take coercive action in the matter.

4. Today when the matter is taken up, we are informed that in spite of sanction having been granted and communciation made on 27<sup>th</sup> September, 2023 with PAO (ORs) ACR, Ahemadnagar ~ 414002, no action has been taken in the matter and the respondents also have no instructions.

5. Keeping in view the aforesaid, it is directed that aailable warrant for Rs. 5000/- be issued to the Pay and Accounts Officer or the Chief Incharge of the said office for his arrest and production before this Tribunal.

6. Principal Registrar, Armed Forces Tribunal, Principal Bench, New Delhi is directed to issue the bailable warrant.
7. List the matter on **4<sup>th</sup> January, 2024**.
8. 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)**

**Ps**