

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

1.

CA 4/2014 in OA 04/2014 (RB, Kolkata)

Lt. Col. Mukul Dev Applicant

VERSUS

Shri R.K. Mathur & Ors Respondents

For Applicant : Mr. Rajiv Manglik, Advocate
For Respondents : Mr. Anil Gautam, Sr. CGSC with
Mr. V. Pattabhiram, Advocate
Mr. R.S. Chillar, Advocate
Maj A.R. Subramanian, OIC, Legal Cell
Amicus Curiae : Mr. Rajshekhar Rao, Senior Advocate
with Mr. Harshil Wasan and Mr. Dushyant
Kishan Kaul, Advocates
Mr. Navdeep Singh, Advocate
Interveners : Mr. Ajit Kakkar, AFT PB Bar Association

WITH

2.

CA 7/2014 in OA 29/2014 (RB, Kolkata)

Lt. Col. Mukul Dev Applicant

VERSUS

Shri R.K. Mathur & Ors Respondents

For Applicant : Mr. Rajiv Manglik, Advocate
For Respondents : Mr. Anil Gautam, Sr. CGSC with
Mr. V. Pattabhiram, Advocate
Mr. R.S. Chillar, Advocate
Maj A.R. Subramanian, OIC, Legal Cell
Amicus Curiae : Mr. Rajshekhar Rao, Senior Advocate
with Mr. Harshil Wasan and Mr. Dushyant
Kishan Kaul, Advocates
Mr. Navdeep Singh, Advocate
Interveners : Mr. Ajit Kakkar, AFT PB Bar Association

WITH

3.

CA 1/2023 with MA 4861/2023 with MA 4862/2023 with CA
25/2023 in OA 408/2017 AFT RB Chandigarh)

Suo Moto AFT (RB) (Chandigarh) Applicant
VERSUS
Maj Gen Ashok Singh YSM SM
(ADGPS-4) IHQ of MOD Respondents

For Applicant : By Court at its own motion
For Respondents : Mr. Anil Gautam, Sr. CGSC with
Mr. V. Pattabhiram, Advocate
Mr. R.S. Chillar, Advocate
Maj A.R. Subramanian, OIC, Legal Cell
Amicus Curiae : Mr. Rajshekhar Rao, Senior Advocate
with Mr. Harshil Wasan and Mr. Dushyant
Kishan Kaul, Advocates
Mr. Navdeep Singh, Advocate
Interveners : Mr. Ajit Kakkar, AFT PB Bar Association

WITH

4.
CA 2/2023 with MA 4863/2023 with (CA 40/2023 in OA 408/2017
AFT RB Chandigarh)

Suo Moto AFT (RB) (Chandigarh) Applicant
VERSUS
Mrs Alka Sharma(Principal Integrated
Financial Advisor Respondents

For Applicant : By Court at its own motion
For Respondents : Mr. Anil Gautam, Sr. CGSC with
Mr. V. Pattabhiram, Advocate
Mr. R.S. Chillar, Advocate
Maj A.R. Subramanian, OIC, Legal Cell
Amicus Curiae : Mr. Rajshekhar Rao, Senior Advocate
with Mr. Harshil Wasan and Mr. Dushyant
Kishan Kaul, Advocates
Mr. Navdeep Singh, Advocate
Interveners : Mr. Ajit Kakkar, AFT PB Bar Association

WITH

5.
OA 431/2024 with MA 497/2024(CA 04/2022 in OA 2740/2017
(RB Chandigarh)

Col Anup Prakash Singh Sidhu(Retd) Applicant
VERSUS
UOI & Ors Respondents

For Applicant : Mr. Rajesh Nandal, Advocate
For Respondents : Mr. Anil Gautam, Sr. CGSC with
Mr. V. Pattabhiram, Advocate
Mr. R.S. Chillar, Advocate
Maj A.R. Subramanian, OIC, Legal Cell
Amicus Curiae : Mr. Rajshekhar Rao, Senior Advocate
with Mr. Harshil Wasan and Mr. Dushyant
Kishan Kaul, Advocates
Mr. Navdeep Singh, Advocate
Interveners : Mr. Ajit Kakkar, AFT PB Bar Association

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)

HON'BLE LT GEN C. P MOHANTY, MEMBER (A)

HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
01.05.2024

Pursuant to proceedings dated 29.04.2024, the records in relation to CA 40 / 2023 in relation to CA 01/2023 and CA 02/2023 as now numbered before us in OA 408/2017 have been received from the Hon'ble AFT (RB) Chandigarh Bench. As the records thereof indicate that the execution proceedings in relation thereto in MA (E) 1467/2018 are pending for the date 22.07.2024, the scanned record of MA (E) 1467/2018 with print outs in triplicate be placed before us and be also supplied to the learned *amicus curiae* as well as the to the learned counsel for the applicants and for the respondents and the original records of MA (E) 1467/2018 in OA 208/2017 after scanning and printouts being placed before us under the direct supervision of the Principal Registrar of the AFT PB New Delhi be returned to the Hon'ble (RB) AFT Chandigarh to ensure that the record reaches there before 22.07.2024.

2. The records of the contempt proceedings, CA 01/2023 and CA 02/2023 however, are directed to be retained presently in original with the scanned copy thereof being sent to the Hon'ble AFT (RB) Bench, Chandigarh, presently, till disposal of the issues before the larger bench.

3. Furthermore, pursuant to the directions dated 29.04.2024, the learned *amicus curiae* Mr. Navdeep Singh has submitted copies of the orders dated 29.08.2022 in MA (E) 839 of 2020, order dated 05.01.2023 and 12.01.2023 in MA (E) 839 of 2020 in OA 3532/2018 and orders dated 22.05.2018 in MA (E) 2307 of 17 and order dated 01.02.2022 in MA 3358 of 2018 and MA (E) 2307 of 2017 in OA 770 of 2016 before the Hon'ble AFT (RB), Chandigarh, to submit to the effect that pursuant to coercive actions taken in the said proceedings in MA (E) 839/2020 in MA 3358/2018 in OA 3532 of 2018 and OA 770 of 2016, there was adequate compliance made by the respondents of the orders of which compliance had been directed.

4. Submissions have been addressed by the learned *amicus curiae* Mr. Rajshekhar Rao, Senior Advocate in the matter today.

5. Submissions as has already been observed vide previous proceedings on the record dated 19.04.2024 and 29.04.2024, on behalf of the applicants in relation to CA 4 of 2014, CA 7 of 2014 and CA 4 of 2022 qua the issues before the Larger Bench and submissions by the learned *amicus curiae* Mr. Navdeep Singh have already been addressed on the said two dates.

6. The respondents are now to argue on the issues before the Larger Bench. In view of the gravity of the situation, as has already been put forth by us vide the proceedings dated 05.04.2024 and the compilation received by the Principal Bench of the AFT New Delhi pursuant thereto in relation to the number of execution applications pending before the AFT PB New Delhi and the number of execution applications pending before all Regional Benches of the AFT as on the date 05.04.2024 of which only in 118 cases there are stay orders with the said tabulation being to the effect:-

“

<i>No. of execution applications pending in the AFT(PB), New Delhi with the date of filing as on 05.04.2024.</i>	<i>No. of execution applications pending in all Regional Benches of AFT with the date of filing as on 05.04.2024</i>	<i>No. of execution applications which have been adjourned due to operation of stay orders whether of the Hon'ble High Court of the country or of the Hon'ble Supreme Court</i>
1626	4589	118

”

qua the prayer that the respondents make seeking an adjournment of two weeks in the matter, submitting to the effect that the learned ASG needs to be designated to appear in the matter, we do not consider it appropriate to re notify the matter for a period of two weeks. In the interest of justice, however, the matter is rescheduled now for further hearing in the matter, i.e. for the arguments to be addressed on behalf of the respondents on the date **09.05.2024 at 02:15 pm.**

7. As has already been observed by us vide the proceedings dated 02.04.2024 and 05.04.2024, the proceedings in the matter as of date,

even today and on 29.04.2024 have been taken up through the Hybrid Mode and shall continue to be taken up through the hybrid mode. It will be open to the respondents to address their arguments through video conferencing on the date **09.05.2024 at 02:15 p.m** and to also submit their written submissions if they so seek to submit.

**(JUSTICE ANU MALHOTRA)
MEMBER (J)**

**(LT GEN C P MOHANTY)
MEMBER (A)**

**(REAR ADMIRAL DHIREN VIG)
MEMBER (A)**

AP