

COURT No.2
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI
(DIRECTIONS IN CHAMBER)

1.

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

Lt. Col. Mukul Dev Applicant

VERSUS

Union of India and Ors. Respondents

WITH

2.

CA 7/2014 in

Lt. Col. Mukul Dev Applicant

VERSUS

Union of India and Ors. Respondents

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)

VERSUS

Union of India and Ors. Respondents

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)

VERSUS

Union of India and Ors. Respondents

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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
05.04.2024

1. None of the parties or counsel are present. We have taken up this matter for directions so that an effective hearing takes place on 19.04.2024.

2. In terms of proceedings dated 02.04.2024, we consider it appropriate to appoint Mr. Rajshekhar Rao, Sr. Advocate of the High Court of Delhi, Enrollment No. D2686/1999 as an *Amicus Curiae* in relation to four cases i.e. CA 4/2014, CA 7/2014, CA 1/2023 with MA 4861/2023 with MA 4862/2023 with CA 25/2023 in OA 408/2017 AFT RB Chandigarh, CA 2/2023 with MA 4863/2023 with (CA 40/2023 in OA 408/2017 AFT RB Chandigarh) to assist us in the matters in relation of the issue before the Larger Bench in CA 1/2023 and CA 2/2023 and in relation to the issues in CA 4/2014 and CA 7/2014.

3. We also consider it essential that the issue before the Larger Bench which reads to the effect:-

“Whether a wilful disobedience to or non-implementation of its order may amount to causing any interruption or disturbance in the proceedings of this Tribunal thereby attracting action for contempt, under Section 19 of the Act read with Rule 25?”

be expanded to read to the effect:-

“To include any other question, as may be considered relevant by the Larger Bench to the issue in question inclusive of the scope and ambit of Section 29 of the AFT Act, 2007 for effecting compliance/execution of the orders of this Tribunal.”

4. The hearing in the matter is scheduled for 19.04.2024 at 2:15 p.m. through the **Hybrid Mode**. The matter be placed before the Hon'ble the Chairperson by the Principal Registrar of the AFT(PB), New Delhi to seek approval of the expansion of the issue as detailed in Para-3 herein above, as being part of the consideration before the Larger Bench in CA 4/2014, CA 7/2014, CA 1/2023 with MA 4861/2023 with MA 4862/2023 with CA 25/2023 in OA 408/2017, CA 2/2023 with MA 4863/2023.

5. Furthermore, the Registry is directed to send the copies of the entire records of

(i) CA 4/2014 in *Lt. Col. Mukul Dev vs. UOI & Ors.*;

(ii) CA 7/2014 in *Lt. Col. Mukul Dev vs. UOI & Ors.*;

(iii) CA 1/2023 in *Suo Moto AFT (RB), Chandigarh vs. UOI & Ors.*;

(iv) CA 2/2023 in *Suo Moto AFT (RB), Chandigarh vs. UOI & Ors.*,

with all their accompanying applications,

to the *Ld. Amicus Curiae* appointed in the matter, Shri Rajshekhar Sr. Advocate of the High Court of Delhi and Mr. Navdeep Singh, Advocate, both in the physical form and in the *e-form*.

6. The hearing in the matter on 19.04.2024 shall commence with the hearing of arguments in the following Seriatim:-

(i) Arguments of the applicants in CA 4/2014, CA 7/2014;

- (ii) Arguments of the Ld. *Amicus Curiae* Shri Rajshekhar Rao, Sr. Advocate in CA 4/2014, CA 7/2014, CA 1/2023 and CA 2/2023 with all accompanying applications;
- (iii) Arguments of Shri Navdeep Singh, Advocate appointed as *Amicus Curiae* vide order dated 17.07.2023 of the AFT(RB), Chandigarh and our order dated 02.04.2024 in CA 1/2023, CA 2/2023, CA 4/2014 and CA 7/2014 with all accompanying applications;
- (iv) Followed by arguments of all other Ld. Counsel who seek to address in relation to the issues before the Larger Bench, whose memorandum of appearance with enrolment nos. being placed on record.

7. The arguments of the respondents shall be addressed after the arguments and the issues before the Larger Bench are addressed on behalf of the applicant of CA 1/2023, CA 2/2023 by their Ld. Counsel, followed by the arguments of the Ld. the *Amicus Curiae* appointed Mr. Rajshekhar Rao, Sr. Advocate and by the *Amicus Curiae* Mr. Navdeep Singh, Advocate and other Ld. counsel who seek to argue in the matter.

8. Furthermore, the Ld. Principal Registrar, AFT(PB) New Delhi is directed to ensure that the Registry places before us for the date of hearing dated 19.04.2024, the following details in the format as under:-

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No. of execution applications pending in the AFT(PB), New Delhi with the date of filing as on 05.04.2024	No. of execution applications pending in all Regional Benches of the AFT, with the date of filing as on 05.04.2024	No. of execution applications which have been adjourned due to operation of stay orders whether of the Hon'ble High Courts of the country or of the Hon'ble Supreme Court
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**(JUSTICE ANU MALHOTRA)
MEMBER (J)**

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

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

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