30.

<u>MA 1233/2016 IN MA 336/2016 IN OA 298/2014</u>

Sub Chand Ram Dahiya	.....	Applicant
Versus		
Union of India & Ors.	.....	Respondents

For Applicant : Mr. Michael Peter, Advocate
For Respondents : Mr. Neeraj, Sr. CGSC

WITH

31.

<u>CA 3/2017 WITH MA 609, 606, 1786, 1787/2018,
MA 1633/2019 AND MA 3904/2023 IN OA 298/2014</u>

Sub Chand Ram Dahiya	.....	Applicant
Versus		
Union of India & Ors.	.....	Respondents

For Applicant : Mr. Michael Peter, Advocate
For Respondents : Mr. Neeraj, Sr. CGSC

<u>CORAM</u>
HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE LT GEN C.P. MOHANTY, MEMBER (A)

<center>O R D E R
22.03.2024</center>

<u>MA 1233/2016 IN MA 336/2016 IN OA 298/2014
AND CA 3/2017 WITH MA 609, 606, 1786,
1787/2018, MA 1633/2019 AND MA 3904/2023 IN
OA 298/2014</u>

There is a dispute with regard to the calculation of the benefit to be granted to the applicant. Rival contentions have been raised and calculation statement has been filed. To adjudicate the rival contentions and the statement of the claim, we cannot exercise our jurisdiction under Section 19 of the Armed Forces Tribunal Act, 2007, and determine in an

execution proceeding under Section 29 of the Armed Forces Tribunal Act, 2007, in conjunction with Rule 25 of Armed Forces Tribunal (Procedure) Rule, 2008. The powers available to this Tribunal under Rule 29 are akin to execution of a decree passed by a Court of Civil Jurisdiction in dealing with a civil suit and if fresh disputes arise in the implementation of a decree it has to be adjudicated in accordance with law and the power for execution available cannot be exercised. That being so, we grant liberty to the applicant to challenge the calculation and the benefit conferred to him in accordance with law before an appropriate forum.

2.   In view of the aforesaid, CA and all MAs listed today stand disposed of.

3.   If the applicant, so advised, may raise the dispute with regard to the calculation by way of filing a separate application under Section 14 of the Armed Forces Tribunal Act, 2007, in accordance with law.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

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

Neha
MA 1233/2016