

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

78.

MA 3406/2023 IN OA 197/2023

Smt Leela Devi Wd/o Late Shri Kedar Singh Versus Union of India & Ors.	Applicant
	Respondents

For Applicant	:	Mr. Manesh K Mehta, Advocate
For Respondents	:	Mr. R S Chhillar, Advocate

CORAM

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

O R D E R
20.12.2023

MA 3406/2023

Seeking execution of the order passed on 10.05.2023, applicant has filed this application. The applicant is a widow of Late Shri Kedar Singh and on account of the fact that Late Shri Kedar Singh had rendered 14 years and 04 months of service and it was held that he was entitled for pension in Para 9 of the order passed by this Tribunal the following directions were issued:

“9. Accordingly, we hold that the applicant's late husband Kedar Singh who had rendered 14 years and 04 months of service was entitled to be granted pension during his life time but as the same was not granted to the applicant's husband, for the present deeming him to have been entitled for the same, we direct that after condoning the shortfall in service based on which pension is directed to be granted to applicant's husband now the applicant be granted family pension in terms of her

entitlement after the death of her husband. The applicant would be entitled to family pension with effect from the date three years prior to filing of this O.A or with effect from the date of death of her husband, whichever is later. The family pension of the applicant be calculated and paid to her within a period of two months from the date of receipt of a copy of this order along with arrears as indicated herein above.”

2. After the orders were passed, respondents should have complied with the directions within a period of two months. When nothing was done and the claim was not settled, the applicant, after a period of two months, on 17.08.2023 filed this application for execution. Notice was issued to the respondents on 22.08.2023 and they were granted four weeks' time to comply with the order. Nothing was done and again on 27.09.2023, four weeks further time was granted. When the matter was taken up on 01.11.2023, again four weeks' time was granted and it was clearly indicated that in case the order is not complied with within six weeks coercive action would be taken.

3. Today when the matter is taken up, we find that respondents have not complied with the order and the order still remains non-complied. This is a case of grant of pensionary benefits to a widow lady and there is no justification on the part of the respondents not to comply with the order passed by this Tribunal. This clearly amounts to violation and breach of the consistent orders

passed by this Tribunal not only on 10.05.2023 but again on 22.08.2023, 27.09.2023 and on 01.11.2023.

4. Prima facie, therefore, the respondents have committed breach of this Court's order and have rendered themselves liable to be proceeded against for Contempt of Court. Keeping in view the fact that under Section 19 of the Armed Forces Tribunal Act, 2007 limited jurisdiction of contempt is available to this Tribunal and this Tribunal cannot take action for contempt with regard to breach of orders or directions issued and in the case of CA 4/2014, *Lt Col Mukul Dev Vs. Sh. R. K. Mathur & Ors.* the issue has been referred to a Larger Bench for consideration. We deem it appropriate to direct the Principal Registrar of this Tribunal to draw an order in accordance to the Contempt of Court Act, 1970 and forward the file to the Hon'ble Chief Justice of Delhi High Court for initiating Contempt of Court action against the officers who are responsible for violating this Court's order.

5. Respondents are directed to submit the list of officers who are responsible for committing breach of this Court's orders within a period of one week before the Principal Registrar.

6. A copy of this order be provided *DASTI* to learned counsel for the parties.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

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

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MA 3406/2023