

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

(On Mentioning).

MA No. 3527/2023 IN OA 276/2022

Lt Col Nandita Satpathy	.....	Applicant
Versus		
Union of India & Ors.	.....	Respondents

For Applicant	:	Mr. S S Pandey, Advocate
For Respondents	:	Mr. S. R. Swain, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON  
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

O R D E R  
06.05.2024

Mention was made by Union of India in the matter of taking up the case and seeking exemption of the Defence Secretary from appearance on the ground that the order passed in the case of *Lt Col Nandita Satpathy Vs. UoI & Ors.* has been complied with. If the order has been complied with, the respondents have to file the compliance report and the same shall be taken note of.

2. As far as exemption from appearance of the Defence Secretary is concerned, we had called the Defence Secretary, PCDA (P), Allahabad, FADS/MoD and various other officers in certain execution cases, which are fixed on 08.05.2024 at 2.30 PM in the Conference Hall/Chamber.

3 Taking note of the fact that around 4539 execution applications are pending before this Tribunal and the 10 Regional Benches and the orders passed more than two years back have not been implemented, we wanted the senior officers to be present so that they are apprised of the situation and a Standard Operating Procedure (SOP) laid down for getting the orders passed by this Tribunal are executed at an earlier point of time. Even the Supreme Court and the Hon'ble Delhi High Court have expressed their anxiety with regard to the pendency of a large number of execution applications.

4. That being so, for the present we cannot grant any exemption for personal appearance of the Defence Secretary. He shall be present so that various issues pertaining to execution of orders pending in this Tribunal can be sorted out as it is neither possible nor appropriate for this Tribunal to issue notice and ask for the appearance of the officers every time where a issue comes up. Having issued notice in one case, we want to use the opportunity, discuss various issues pertaining to execution of orders, with the Defence Secretary and sort out the issue and therefore we direct him to remain present for consideration of various aspects even

after implementation of the order passed in the case of Lt Col Nandita Satpathy. We are also conscious of the fact that in 23 cases for non-compliance reference have been made to the Hon'ble Delhi High Court for taking contempt action and in many of the cases the Hon'ble Delhi High Court had issued contempt notice, therefore, in order to avoid occurrence in future of such situations this procedure is being followed by this Tribunal.

5. A copy of this order be provided DASTI to learned counsel for both the parties.

**[JUSTICE RAJENDRA MENON]  
CHAIRPERSON**

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

**/jyoti/**