

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

24.

MA 1695/2023 in OA 1761/2021

JWO Vijay Kumar Sharma (Retd) Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Manoj Kr Gupta, Advocate
For Respondents : Mr. D K Sabat, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE MS. RASIKA CHAUBE, MEMBER (A)

O R D E R
18.12.2024

Seeking implementation of the Order passed in OA No.1761/2021 on 11.11.2022, this Application has been filed and till date the order has not been implemented.

2. In an identical matter listed today in MA No. 1563/2023 in OA No.2579/2022 in the matter of implementation of the directions issued by this Tribunal on the basis of the law laid down by the Hon'ble Supreme Court in the matter of payment of increment the following observations have been made by this Tribunal and the matter is directed to be listed on 15.01.2025 for compliance:-

“Today, when the matter is taken up, we are informed by learned counsel for the respondents that on 09.12.2024, the matter was referred to the Ministry of Defence (Mod) for the purpose of implementing the order passed by this Tribunal. It is noted that the legal principle regarding grant of increments has been settled by the Hon'ble Supreme Court in Civil Appeal No. 2471 of 2023,

decided on 11.04.2023, titled The Director (Admn. and HR) KPTCL and Others Vs. C.P. Mundinamani and Others [(2023) SCC Online SC 401]. Furthermore, an interim order was passed by the Hon'ble Supreme Court in the case of Union of India and Anr. Vs. M. Siddaraj, as well as the order dated 19.05.2023 of the Hon'ble Supreme Court in SLP (C) No. 4722 of 2021 Union of India & Anr. Vs. M. Siddaraj further modified by the Hon'ble Supreme Court on 06.09.2024 in MA Dy. No. 2400/2024 filed in SLP (C) No. 4722/2021.

2. We consider it essential to rely on the directions laid down by the Supreme Court. The respondents cannot shun their responsibility of implementing the order passed by this Tribunal on 16.11.2022 in OA No. 2579/2022, simply by citing the pendency of the matter with various authorities. More than two years have passed since the order was allowed and thereafter in the execution application, on 08.10.2024, we had directed the respondents to make payment of the arrears and submit report to this Tribunal.

3. Till today, no action has been taken. We have now been informed that the matter is still pending with the Ministry of Defence for taking appropriate action, based on the communication made in the letter dated 28.11.2024 issued by the office of the Addl. Gen. Personnel Services/PS-6.

4. We cannot permit administrative processes to linger on so long in the matter of implementation of the order of this Tribunal particularly after the Hon'ble Supreme Court has issued clear directions for implementation in the case of M.Siddaraj (supra).

5. Keeping in view the above, we direct that the benefits be granted to the applicant within two weeks from today and that a report be submitted to this Tribunal, failing which, we will initiate contempt action against the officers concerned who are responsible for the delay in accordance with the law laid down in the case of Lt Col Mukul Dev Vs Shri R.K. Mathur & Ors [CA 4/2014 in OA 04/2014 (RB, Kolkata), decided on 31.07.2024].

6. List again on 15.01.2025.

3. In the present case also the same position exists and, therefore, we direct the respondents to comply with the

Order and submit compliance report within two weeks, failing which, we will initiate contempt action against the officers concerned who are responsible for the delay in accordance with the law laid down in the case of *Lt Col Mukul Dev Vs Shri R.K. Mathur & Ors* [CA 4/2014 in OA 04/2014 (RB, Kolkata), decided on 31.07.2024].

4. List again on 17.01.2025.
5. A copy of this order be given *'DASTI'* to both the parties.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[RASIKA CHAUBE]
MEMBER (A)

/vb/