

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

32.

MA 5503/2023 in MA 219/2022 & 2197/2020 in OA
518/2019

Smt Vijay Kumari Wd/o
Late Hav Chhatar Pal Singh Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. S M Dalal, Advocate
For Respondents : Mr. Arvind Patel, Advocate

CORAM

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

O R D E R
10.01.2025

When the OA was decided the original applicant, Hav Chhatar Pal Singh was alive and thereafter when the execution application was filed he had expired and therefore, his wife Smt. Vijay Kumari has been prosecuting the execution application. The execution application is pending before this Tribunal and on various dates action was taken and finally on 20.09.2024 a Show Cause Notice was issued to the respondents asking them to show as to why contempt action should not be taken in view of the law laid down by the Full Bench of this Tribunal 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. The respondents in pursuance to the same on 20.11.2024 indicated to us that documents through the Zila Sainik

Kalyan Evam, Punarwas Karyalya, Bulandshahr has not been submitted and therefore, they are unable to process the claim. The counsel for the applicant took steps and the records indicated that all the documents were submitted and forwarded to the department and when the matter came up before this Tribunal on 20.11.2024, it has come to the notice of this Tribunal that all documents submitted to the Zila Sainik Kalyan Evam, Punarwas Karyalya, Bulandshahr were forwarded to the OIC, Records, Army Medical Corps on 26.09.2024 and the respondents were directed now to issue PPO. Today, when the matter is taken up and query is made as to whether the PPO has been issued, respondents produce before us a detailed communication issued by the Records Office to the Integrated HQ MoD (Army) on 22.11.2024 and we are informed that they are awaiting decision from the Integrated HQ MoD (Army). The manner in which the respondents are dealing the cases particularly, execution applications in which orders have been passed indicated a sorry state of affairs in the working of the respondents. There are more than 6000 execution application pending before this Tribunal and in most of the cases orders passed by this Tribunal have not been implemented for more than three years. Taking note of all these facts, in the light of circular

issued by the Joint Secretary to the Government of India, Ministry of Defence, Department of Defence (CMU) communication 04.11.2024, we direct to issue notice to the Secretary, Department of Ex-servicemen Welfare (DESW)/MoD to show cause as to why contempt action should not be taken against him and the officers concerned who have not complied with the directions of this Tribunal inspite of more than four years have elapsed after passing of the order.

2. List the matter on 18.02.2025 for appearance of the Secretary, Department of Ex-servicemen Welfare (DESW)/MoD or submit the Compliance Report in which case he may granted exemption from appearance.

**[JUSTICE RAJENDRA MENON]
CHAIRPERSON**

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

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