

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

39.

MA 1180/2024 in OA 2371/2022

Brij Bihari Singh (Ex Nk (TS)) Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Mr. Omprakash Kr Srivastava, Advocate
For Respondents : Mr. Arvind Patel, Advocate

CORAM

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

ORDER
11.02.2025

MA 1180/2024

In this case notice was issued to the Secretary, DESW on 09.01.2025 to show cause as to why the order has not been complied with in spite of the fact that the writ petition bearing No. WP(C) 14498/2024 filed by the respondents was dismissed by the Hon'ble Delhi High Court on 16.10.2024.

2. Today when the matter is taken up, an affidavit has been filed by the respondents indicating that after dismissal of the writ petition from the Hon'ble Delhi High Court, keeping in view the facts and circumstances of the case and various judgments of the Hon'ble Supreme Court on the issue of grant of disability benefits in the cases of Diabetes Mellitus Type-II, the respondents propose to file a SLP and therefore they have not complied with the order. They pray for time to file the SLP and comply with the order after the decision of the SLP.

3. Once the order had been passed by this Tribunal with a time limit indicating for its implementation, the respondents were duty bound to comply with the same within the time granted. Not only the respondents failed to comply with the order for more than two years, they had filed a writ petition before the Hon'ble High Court of Delhi and even when time was granted on account of pendency of the writ petition, after the writ petition was dismissed, more than three months have passed and now respondents come out with an excuse that they want to file a SLP before the Hon'ble Supreme Court. Even the Supreme Court in the case of Union of India and Ors Vs. Ex Hav Attar Singh (Civil Appeal No. 10637/2024) has questioned the policy of the respondents in the matter of challenging the order passed by this Tribunal, particularly, in the disability cases. Taking note of the facts and circumstances of the case, this is a fit case to initiate contempt action in the matter of implementing the order passed by this Tribunal.

4. List this matter on 18th February, 2025 on which date the Secretary, DESW is directed to appear personally in many cases already filed.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[REAR ADMIRAL DHIREN VIG]
MEMBER (A)