

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

26.

MA 1535/2024 in OA 1141/2019

Sub (TIFC) Ganganidhi R Applicant
Versus
Union of India & Ors. Respondents

For Applicant : Ms. Ayushi Mishra, Proxy Counsel for
Mr. S S Pandey, Advocate
For Respondents : Mr. Arvind Kumar, Advocate

CORAM

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

O R D E R
11.07.2024

MA 1535/2024

Seeking compliance of an order passed by this Tribunal on 31.10.2023 in OA No. 1141/2019, this application has been filed for execution. The order was passed on 31.10.2023 and respondents were granted three months' time to comply with the order. As it was not done within three months, notices were issued to respondents on 18.04.2024 and they were granted six weeks' time to file compliance report.

2. Today, when the matter is taken up, record indicates that no compliance has been done, instead the applicant has produced a communication dated 31.05.2024 which indicates that the matter is under process and pending with the Ministry of Defence. Para 3 of the aforesaid communication reads as under:-

“A similar case of JC-299429Y Sub(TIFC) Ganganidhi R, OA No. 1141/2019 has already been fwd to MoD for directional clarification. Hence, Lina Dia is requested to process thaat instant case upon receipt of directions from the MoD in the case of JC-299429Y Sub(TIFC) Ganganidhi R”

3. Similarly, the OIC Legal Cell for OIC records has also informed about the pendency of the matter before the Ministry of Defence. We find that in many of the cases compliance of the orders passed by this Tribunal is not being done within the period prescribed mainly because the Ministry of Defence is not granting appropriate sanction in time or sitting over the same for days together.

4. Keeping in view the aforesaid, issue notice to respondent No. 1 in OA No. 1141/2019 i.e, the Union of India, Through The Secretary, Ministry of Defence along with copy of this order and keep all the execution applications indicating claim to show cause as to why action, coercive in nature, should not be taken against the officer of the Ministry for non-compliance of the order within time and submitting compliance to the OIC Legal Cell or the Army Authorities.

5. If we do not get any positive response from the Ministry of Defence, we may initiate action against the officer concerned by referring the matter to the Hon'ble Chief Justice of Delhi High Court for contempt of Court.

6. Re-list on **22.08.2024**.

7. 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)

