

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

22.

MA 1535/2024 in OA 1141/2019

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

For Applicant : 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
26.09.2024

MA 1535/2024

Seeking execution of an order passed by this Tribunal in OA 1141/2019 on 31.10.2023, this application has been filed. Notices were issued in the execution application on 18.04.2024 and since then the matter is pending. We had indicated our anguish in the matter with regard to delay in implementing of the order and in this regard orders passed on 11.07.2024 and notice sent to the Defence Secretary on various occasions were not responded to. On the contrary we were informed by communications received on inter departmentally on 31.05.2024, 05.07.2024 and 19.08.2024 that the matter is pending before various authorities for consideration and a final decision is yet to be taken. Thereafter, on 22.08.2024 we had issued notice to the Defence Secretary indicating our anxiety in the matter and we had requested the Defence Secretary to submit

a report in the matter. Even though no report either by the Defence Secretary or by any other officer authorized by him have been submitted to us.

2. Today a communication is placed before us issued by the Office of Dy Dir, AAD-11 for DG Army AD addressed to the Army, AD Records in the matter of implementation of the order passed by this Tribunal and in Para 2 & 3 of the said communication, the following observations and indications are made:

(2) The instant case was processed to AG/PS-6 (B) on 24 Jan 2024 vide this Dte noting sheet No. A/38019/PC-1858/GS/AAD (Legal) for issuance of dirns/sanction.

(3) Now it is intimated by AG/PS-6(B) vide their letter quoted at Para 1 above that the case file was fwd case file to MoD/D (P/S) on 13 Feb 2024 for further directions. However, direction from MoD was recd by AG/PS-6(B) in the month of Jul 2024. Thereafter, the case was fwd to PIFA (Q&M) for final concurrence on 31st Jul, 2024 and final concurrence of PIFA (Q&M) not yet recd.

3. From the aforesaid, it is clear that after directions were received from the Ministry of Defence in July, 2024, the case was forwarded to PIFA (Q&M) for final concurrence on 31.07.2024 and it is indicated that final concurrence from the said office have not been received. It is not known as to why for the purpose of financial concurrence of the said authority/office should be kept pending for more than two months. There are innumerable execution matters which are pending before this Tribunal and it has come to our notice that office of PIFA is delaying the matters

in giving financial concurrence. As a consequence of which more than 6700 execution applications are pending before this Tribunal. We taken serious view of the matter, as a matter of last indulgence, we direct issuance of notice to the Defence Secretary by the Joint Registrar (Judicial) alongwith a copy of this order asking him to cause an inquiry in the matter and explain as to why financial concurrence in the matter are not granted on priority basis and why orders passed by this Tribunal are kept pending without completion or challenge. We may point out that once an order is passed by this Tribunal, the respondents have an option either to implement it or to challenge the same by filing a Writ Petition before the Hon'ble High Court or an SLP before the Hon'ble Supreme Court within a reasonable time of 90 days and while passing orders on the Original Application 90 days time is granted to comply with the order. Despite 90 days time being granted, the respondents do not comply with the order and when execution applications are filed, for 2 to 3 years the executions applications are kept pending and no action taken.

4. Keeping in view of the aforesaid, we direct that the Defence Secretary to look into the matter and file an affidavit through an officer authorized by him and file a report before this Tribunal, indicating what action the office of Defence Secretary proposes to take and what directions are issued to the authorized officer to comply with the court's order within time and submit a compliance report to this Tribunal. We may indicate that in case

we do not get a positive response from Defence Secretary, we shall call for his personal appearance and thereafter deal with the matter in accordance to the Full Bench judgement of AFT, PB 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.

5. Joint Registrar (Judicial) to ensure that copy of this order is sent to the Defence Secretary within three days.
6. List the matter on 07.11.2024.
7. Let a copy of this order be given 'DASTI' to both the parties.

**[JUSTICE RAJENDRA MENON]
CHAIRPERSON**

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

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