

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

74.

MA 1487/2025 in OA 2568/2023

RHM (TIR) Munnu Singh	Applicant
Versus		
Union of India & Ors.	Respondents
For Applicant	:	Mr. Rajiv Manglik, Advocate
For Respondents	:	Mr. K K Tyagi, Sr CGSC

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE LT. GEN.C.P. MOHANTY, MEMBER (A)

O R D E R
03.07.2025

MA No.1487/2025

Seeking execution of the Order passed by this Tribunal in OA No.2568/2023, this Application has been filed. Vide the Order passed in the OA with regard to grant of benefit to the applicant as detailed in the prayer clause of the Application, after taking note of various aspects of the matter in para 18, 19 and 20, the following directions were issued by this Tribunal:-

"18. We cannot shy away from the fact that the AAD is under shortage of the PC (SL) officers, with the applicant being one of the qualified PC (SL) officer and Para 5 of the aforesaid letter casts a responsibility on the Cdrs and COs to encourage more JCO/OR for SCO and PC (SL), thereby, leaving enough room for a one time relaxation, especially when the Corps is undergoing shortage of TEO officers, with no compromise on the qualitative aspect, with the applicant being fully qualified through the same process.

19. In view of the aforesaid discussion, we are of the opinion that Respondents ought to have taken a holistic view on the issue which is not only beneficial for the career growth of the applicant, but is also in betterment of the organisation and that a compassionate view is also required to be taken on the issue.

20. Therefore, without any comment upon the existing policy framework before us, we direct the respondents to consider afresh the application of the petitioner seeking grant of PC (SL) in AAD (TEO) category, in the background of above discussion. The respondents are directed to give effect to such reconsideration within a period of 30 days from the date of pronouncement of this order, and convey the same to the applicant."

2. A perusal of the aforesaid directions would clearly indicate that this Tribunal has seen certain discrepancies/errors in implementation of the policy in question and even discretion was given to the respondents to take note of the grievance of the applicant and reconsider his case and take a decision either to grant benefit to him or to reject it by passing a detailed speaking order. When the Order passed by this Tribunal on 16.07.2024 i.e. approximately a year back was not complied with, applicant invoked the jurisdiction of this Tribunal by filing this Application for execution under Rule 25 of AFT Act on 07.04.2025.

3. It may be seen that in the Order passed, we had granted 30 days' time to the respondents to take an action. The respondents did not take action within 30 days and therefore, when the application for execution was filed after more than eight months, notice were issued to the respondents after making certain observations on 17.04.2024. About two months are going to be over and till date the respondents have not taken any action in the matter.

4. Today, when the matter is taken up we are informed that the respondents propose to file a writ petition in the matter. We are surprised that without application of mind, without taking note of nature of the Order passed, respondents do not take action as directed and when there is no adverse order passed, respondents are taking time to file writ petition. Taking note of

the manner in which the respondents are acting, we are satisfied that the respondents do not want to comply with the Order and are sleeping over the matter in spite of repeated opportunities being granted.

5. In view of above, we propose to take contempt action against the respondents. Issue notice of contempt to all the original respondents of the case. A copy of this order be forwarded to the authorities asking them as to why contempt action should not be taken against them as actions identical in nature are the only reason why litigation in this Tribunal is increasing and cases are piling up and administrative authorities are not taking action as required under law and are not discharging their statutory duties as contemplated in the rules and regulations.

6. We propose to take the matter seriously for contempt and ensure that the respondents do not behave in a manner as indicated above. Notice for contempt be issued to all the respondents in the OA returnable in two weeks.

7. List the matter on 25.07.2025.

8. Let a copy of issued **dasti** to learned counsel for both the parties.

[JUSTICE RAJENDRA MENON]
CHAIRPERSON

[LT. GEN. C.P. MOHANTY]
MEMBER (A)

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