

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

28.

MA 3233/2019 IN TA 3/2016

Capt Kashyap Kumar ..... Applicant  
Versus  
Union of India & Ors. .... Respondents

For Applicant : Mr. Harsh Bora, Advocate for  
Mr. Rishabh Sancheti, Advocate  
For Respondents : Gp Capt Karan Singh Bhati, Sr. CGSC

**WITH**

29.

MA 227/2018 WITH TA 3/2016

Capt Kashyap Kumar ..... Applicant  
Versus  
Union of India & Ors. .... Respondents

For Applicant : Mr. Harsh Bora, Advocate for  
Mr. Rishabh Sancheti, Advocate  
For Respondents : Gp Capt Karan Singh Bhati Sr. CGSC and  
Mr. Harish V Shankar, Advocate

**CORAM**

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

**ORDER**  
**29.08.2024**

On 04.07.2024 we had given specific directions based on the averments made in Para 4 of an affidavit filed by the respondents on the same date, it was made clear by us that compliance with the order should be ensured by 23.08.2024. It was further stipulated that if the respondents failed to file a compliance report by 29.08.2024, consideration would be

given to summoning the Chief of Defence Staff (CDS) or officers of the Ministry of Defence for non-compliance.

2. Today, representatives from the Indian Navy are present along with Gp Capt Karan Singh Bhati, learned Sr. CGSC for the respondents. Learned Sr. CGSC has informed us that the file is with the CDS and has requested to grant a last opportunity for decision-making, as the file is at the finalization stage.

3. In light of the aforementioned request and without resorting to any coercive action, as a matter of last indulgence, we direct the office to list the matter on **23.09.2024**. By this date, a compliance report must be filed failing which the Additional Secretary, (Department of Military Affairs) shall remain present with the file for perusal to ascertain the reasons for the non-compliance with the order.

4. We are taking the aforesaid step in the matter considering the fact that the main case bearing No. TA 3/2016 decided by this Tribunal in the year 2016 and in spite of the fact that execution application is pending since the year 2019 with no action taken and the order remaining non-complied with. We make it clear that this is the last liberal indulgence granted by us in the matter,

in case if we find that the respondents have not complied with the order we shall proceed in the matter in accordance with 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].

5. Let a copy of this order be provided ***DASTI*** to both the parties.

[JUSTICE RAJENDRA MENON]  
CHAIRPERSON

[REAR ADMIRAL DHIREN VIG]  
MEMBER (A)

Ps  
MA 3233/2019