

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

31.

MA 530/2023 in OA 1934/2021

In the matter of :

Brig Sudhir Nagpal

... Applicant

Versus

Union of India & Ors.

... Respondents

**For Applicant :** Shri Indra Sen Singh, Advocate

**For Respondents :** Gp Capt Karan Singh Bhati, Sr.CGSC

**CORAM :**

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

**O R D E R**  
**29.05.2023**

**MA 530/2023**

Considering the reply affidavit filed by the respondents and the averments made therein with regard to consideration of the applicant's case for promotion by No. 1 Selection Board held on 8<sup>th</sup> November, 2022 and the fact that he was not recommended for empanelment, we see no reason to proceed further with the execution proceedings.

2. Even though, Shri Indra Sen Singh, learned counsel for the applicant pointed out various discrepancies which would have occurred in the consideration made and argued that the same being contrary to the mandate of this Tribunal as detailed in Para 24 and 25 of the order passed in

OA No. 1934/2021 on 12<sup>th</sup> October, 2022, in our considered view, in a proceeding under Section 29 of the Armed Forces Tribunal Act, 2007, at the stage of execution, all these issues cannot be looked into. If the applicant's case has not been considered by the Selection Board in accordance to the directions issued on 12<sup>th</sup> October, 2022, it gives a fresh cause of action to the applicant to re-agitate the same in accordance with law. Granting liberty to the applicant to do so, we dispose of this matter.

3. All legal questions involved are kept open and would be considered as and when any such proceedings are challenged.

**[RAJENDRA MENON]**  
**CHAIRPERSON**

**[C P MOHANTY]**  
**MEMBER (A)**

/jyoti/