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Armed Forces Tribunal,
Principal Bench,
West Block -VIII, Sector-1,
R.K. Puram,
New Delhi-110066

F.No. 22 (1)/2016/AFT/PB/Judl/Misc

11th October, 2018

The Registrar of All Regional Benches, AFT

Dear Sir/Madam,

The Hon'ble Chairperson has been pleased to constitute the following Larger Benches, to consider the issues and/or points of law of general public importance, as shown below :

Sl. No.	Composition of Bench/ NDOH	Case No/Issue/Question of law involved
1.	Hon. Chairperson, Hon. Ms. Justice Sunita Gupta Hon. Lt. Gen. Sanjiv Chachra (NDOH-11/10/2018 at 02.00 PM)	OA 965/17, 404/18 & 655/18 Whether "Attachment Order" issued under Army Instruction 30 of 1986 is "Temporary Posting"/"Temporary Transfer" and is excluded as "Service Matter" AND "Whether the Tribunal has or does not have jurisdiction to entertain the application challenging "Attachment Order" as per Section 3(o)(iv)(ii) of the Armed Forces Tribunal Act, 2007.
2.	Hon. Chairperson, Hon. Mr. Justice V.K. Shali Hon. Lt. Gen. Sanjiv Chachra (NDOH- 15/10/2018)	OA 1169/16, 629/16, 630/16, 963/16, 1304/16, 1517/16, 257/17, 1206/16, 1209/16, 365/17, 502/17, 1344/17, 1346/17 & 1382/17. Enhancement of age of superannuation of DGAFMS Medical Officers at par with Non-Teaching and Public Health Specialists and General Duty Medical Officers of CHS to 65 years.
3.	Hon. Chairperson, Hon. Mr. Justice V.K. Shali Hon. Lt. Gen. Sanjiv Chachra (NDOH- 16/10/2018 at 02.00 PM)	CA 04/2014 (PB) in OA 04/2014 (RB, Kolkata) & CA 07/14 (PB) in OA 29/14 (RB, Kolkata). Maintainability of Contempt Applications - Section 19 of the AFT Act & Rule 25 of the AFT (Procedure) Rules, 2008 - Whether a willful disobedience to or no-implementation of its order may amount to cause any interruption or disturbance in the proceedings of this Tribunal thereby attracting contempt.

4.	<p>Hon. Chairperson Hon. Mr. Justice V.K. Shali Hon. Lt. Gen. Sanjiv Chachra.</p> <p>(NDOH-16/10/2018 at 02.00 PM)</p>	<p>RA 265/2017 in OA 586/2015 (RB, Chandigarh)</p> <p>(i) Is the discretion of Central Government to proceed under Section 19 read with Rule 14 dependent upon the reasons recorded/not recorded by the Confirming Authority in support of its refusal to confirm the finding of Court martial inspite of the fact that the two proceedings (one under Section 19 and the other under Chapter X of the Act) are independent of and distinct from each other and Rule 70 of the Rules does not require the Confirming Authority to record reasons while confirming or refusing to confirm findings of a general or district court martial ?</p> <p>(ii) Can resort to Section 19 and Rule 14 be held to be impermissible or abuse/colourable exercise of power only because the Court martial has recorded a finding of acquittal even on revision on the charge(s) based on the materials on which proceedings under Section 19 of the Act and Rule 14 of the Rules are sought to be initiated ?</p> <p>(iii) Is it permissible for this Tribunal while exercising the power of judicial review qua a show cause notice issued under Section 19 of the Act read with Rule 14 of the Rules to re-appraise the evidence adduced before the Court Martial and other attendant circumstances to find out correctness of the satisfaction of the competent authority recorded in show cause notice that the finding of acquittal recorded by the Court Martial is perverse or against the weight of the evidence available on record, in the light of observation of the Hon'ble Supreme Court in <u>Harjeet Singh Sandhu's case</u> (Supra) that if on the satisfaction reached by the authority two views are possible, the court will decline to interfere ?</p>
5.	<p>Hon. Chairperson Hon. Mr. Justice V.K. Shali & Hon. Lt. Gen. Philip Campose</p> <p>(NDOH- 25/10/2018 at 02.00 PM)</p>	<p>MA (Dy No.3380/2015 in OA No.155/2011)</p> <p>(i) Whether the order of the Tribunal dated 18.01.13, upon passing of the promotion order dated 09.01.13, which was held to be in full compliance of the Tribunal's order, by the Execution Court on 08.02.13 in MA 479/12, gives an end to the <i>lis</i> started by the petitioner in OA 155/11 ? (ii) Whether in the facts of the case, the petitioner's only right was to challenge the order dated 09.01.13 by moving appropriate application i.e. OA before the Tribunal, on the basis of the fresh cause of action accrued to the petitioner</p>

		by virtue of the order dated 09.01.13 ? (iii) Whether the permission granted to the petitioner by the Delhi High Court for moving appropriate application before this Tribunal entitles him only to challenge the order dated 09.01.13 or entitles him to seek recalling the earlier order dated 08.02.13 disposing of the execution petition in full satisfaction ? AND (iv) If the order dated 08.02.13 passed in MA 479/12 is recalled, whether the petitioner can question the correctness, legality and validity of the promotion order dated 09.01.13 in execution proceedings?
6.	Hon. Chairperson, Hon. Mr. Justice V.K. Shali Hon. Lt. Gen. Philip Campose (NDOH – 25/10/2018)	MA 764/15 in OA 414/10 etc. Whether a direction given in an order disposing an OA to treat the applicant and all persons similarly situated alike in respect of service benefits awarded to applicant by the Tribunal would postulate that the order has been passed <i>in rem</i> as applicable to all similarly situated persons, like applicant, enabling them to seek execution of such Orders involving Section 29 of the AFT Act, 2007 ?
7.	Hon. Chairperson, Hon. Ms. Justice Sunita Gupta Hon. Lt. Gen. Philip Campose (NDOH – 25/10/2018)	OA 1238/16, 594/15, 88/16, 219/17 & 272/2018 Whether there should be condonation of deficiency of service for grant of second pension of DSC service as like Regular Army personnel in terms of GoI, MoD letter dated 14.08.01 and Para 44 of Army Pension Regulations, 2008 or be dealt in terms of GoI, MoD letter dated 20.06.17. AND OA 1503/16 , 574/17 & 1465/2017 Issue of condonation of deficiency of service for grant of pension, where an applicant has been discharged at his own request.
8.	Hon. Chairperson, Hon. Ms. Justice Sunita Gupta Hon. Lt. Gen. Sanjiv Chachra (NDOH- 15/11/2018 at 02.00PM)	OA 17/15, 55/14, 58/15, 66/15, 72/15, 82/15, 105/14, 136/15, 256/15 & 275/15 (RB Jaipur) Maintainability of OA relating to recruitment in the Army - Section 2(1) and 3(o) of the AFT Act, 2007.

9.	<p>Hon. Mr. Justice V.K. Shali, Hon. Ms. Justice Sunita Gupta Hon. Lt. Gen. Philip Campose</p> <p>(NDOH- 03/12/2018 at 02.30 PM)</p>	<p>OA 29/2014</p> <p>(i) Whether a person who got his timely promotion (without stagnation) and also completed his total service of 24 years, whether he will be entitled to MACP ?; and (ii) Whether a person who has completed say more than 8 years of service in one rank and got MACP-I, whether such person even if got the further promotion within 8 years of this promotion, will become entitled to MACP II upon completion of 16 years of service from the time of his entry into lower post or for every MACP ?</p>
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I am, therefore, directed to request you to bring the contents of this letter to the notice of the Hon'ble Members, members of the Bar Association of your Bench and also the concerned learned counsel appearing in the matter. If the learned Counsel appearing in the matter and any member of the Bar Association of your Bench wishes to argue on a similar matter pending before your Bench he/she may submit five copies of his/her written arguments/written submission well in advance to consider the same while deciding the case before them. The details of date of hearing of the above matters are available on the website of the Tribunal.



Yours faithfully,


(Bhagat Singh)

Deputy Director

For Principal Registrar (I/c)