

FORM NO - 4
(SEE RULE 11(1))
IN THE ARMED FORCES TRIBUNAL, REGIONAL BENCH,
KOLKATA

ORDER SHEET

APPLICATION NO. C. A. No. 3/2013 (Arising out of T.A. No.134/2010)

APPELLANT (S)

Akhila Bihari Singh

RESPONDENT(S)

Sri S. K. Sharma & 2 Ors.

Legal Practitioner for Appellant(s)
Mr. Bhaskar Chandra Behera

Legal Practitioner for Respondent(s)
Mr. Dipak Kumar Mukherjee

ORDER OF THE TRIBUNAL	
	Order No. <u>4</u> Dated: 13.09.2013
	<p>Mr. Bhaskar Chandra Behera, Ld. Advocate appears for the applicant and Mr. Dipak Kumar Mukherjee, Ld. Advocate for the alleged contemnors is present.</p> <p>We find from our order dated 09.07.2013 that Mr. Dipak Kumar Mukherjee appearing on behalf of the alleged contemnors had undertaken to file his Vokatnama to represent them by the next date. But no such Vokatnama has yet been filed.</p> <p>Mr. Behera, however, has submitted his Affidavit of Service to all the alleged contemnors which is in record. There is also no confirmation from the opposite side whether service caused as above has been received personally by them.</p> <p>Be that as it may, Lt. Col. Anil Chandra, OIC, Legal Cell, HQ Bengal Area submits that the respondents are contemplating to file an appeal before the Hon'ble Supreme Court on the decisions of the AFT, Kolkata Bench dated 07.03.2012 passed in T.A. No.134/2010 to which this CA (3/2013) has arisen.</p>

We have heard Mr. Behera and have also been informed about the status report as submitted, on instructions, by Lt. Col. Chandra. We find it very unfortunate that the Union of India and other senior functionaries who were respondents in the ibid T.A. have taken more than one year to contemplate to file an appeal. They have taken no action to obtain 'Stay' or file any appeal till date. We also observe from records that no action has been taken by any of the respondents to implement our order dated 07.03.2012. Such attitude and inaction by the Govt. respondents shows an utter disregard to the orders of this Tribunal. In fact, the orders of this Tribunal are routinely being treated like rags of papers not even worth consideration, leave aside implementation. Such attitude by the Union of India and others to the AFT will lead to erosion of the faith of the litigants towards such Tribunal. Establishment of this Tribunal and its functions would stoutly become redundant in case the Govt. continues to adopt such approach even in pension matters. It appears that the authorities in the Army and the MoD would prefer to see their pensioners and veterans to bury their grievances and accept executive supremacy discouraging them from approaching the courts, whose decisions are treated with disdain like the present case.

We find from records that since July, 2012 implementation of the ibid order has been kept under consideration and at the level of examination with the competent authority.

In view of the above observation, we direct the respondents to take necessary steps to implement this order and submit a status report in this regard by the next date failing which appropriate legal action will be taken against the

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respondents.

Under such circumstances, let the matter appear for further order on 31.10.2013.

Ld. Registrar is directed to send a copy of this order to the Defence Secretary, Ministry of Defence, Govt. of India directly. We also direct the OIC, Legal Cell, HQ Bengal Area to send a copy of this order to each of the alleged contemnors directly.

To 31.10.2013 for further order.

(LT. GEN. K.P.D.SAMANTA)
Member (Administrative)

(JUSTICE RAGHUNATH RAY)
Member (Judicial)