

FORM NO – 4

(SEE RULE 11 (1))

IN THE ARMED FORCES TRIBUNAL, REGIONAL BENCH, KOLKATA

ORDER SHEET

APPLICATION No : C A 3/2013 (TA 134/2010)

APPLICANT (S)	Akhila Bihari Singh
RESPONDENT (S)	<u>Shri S.K.Sharma & 2 Ors</u>
Legal Practitioner of applicant	Legal Practitioner for Respondent (s)
Mr. Bhaskar Ch. Behera	Mr. D.K.Mukherjee

NOTES OF THE REGISTRY	<u>ORDERS OF THE TRIBUNAL</u>
	<p data-bbox="596 880 1358 913"><u>Order Sl. No. : 7</u> <u>Dated : 10.02.2014</u></p> <p data-bbox="596 972 1369 1480">Mr. Bhaskar Chandra Behera, Id. adv. appears on behalf of the petitioner. We find that he has not filed his vokatatnama in respect of this contempt petition. The advocate on record Mrs. Keya Bhattacharyya is, however, not present. Mr. Behera submits that he was the advocate for the applicant in the main application i.e. TA 134/2010. But due to inadvertent mistake, he has not been able to submit power in this CA on behalf of the petitioner. He undertakes to file power within a week. Mr. D.K.Mukherjee, Id. adv. is present on behalf of the alleged contemnors.</p> <p data-bbox="596 1503 1374 1957">We find that on the last occasion, the respondents were granted three month on the submission that the SLP that was filed before the Hon'ble Supreme Court against the order passed by this Tribunal in the connected TA was pending and would be decided soon. Today, Mr. Mukherjee prays that some more time be granted to them to implement the order dt. 7.3.12 as pronounced in the TA 134/2010, since the SLP was dismissed on 16.12.13 and the matter is under active consideration of the authorities..</p>

Mr. Behera, however, opposes this prayer on the ground that the decision of the Tribunal was passed in March 2012 and the SLP was dismissed in December 2013 and the matter relates to grant of disability pension to the applicant, who was a Sepoy. Every day's delay is adding to the suffering of the applicant. He, therefore, prays that no further time be given and the respondents be called upon not only to implement the order of the Tribunal but also to explain as to why such undue delay has taken place despite the matter having been dismissed by the Hon'ble Apex Court on 16.12.13.

We have considered the submissions of both sides. We are quite surprised that such a long pending order of this Tribunal of March 2012 is still pending compliance by the authorities despite losing in the Apex Court in December 2013. It clearly shows lack of meaningful application and compassion to a poor Sepoy by the concerned authorities. Such attitude is not at all acceptable. However, Lt. Col. Anil Chandra, OIC, Legal Cell, HQ, Bengal Area submits that he has been instructed by the Director, PS-4 that the case will be disposed of as early as possible and he prays for four week more. Be that as it may, while we adjourn the case to four weeks hence, we direct the respondents that in case compliance report is not filed by the next date, then the Director, PS-4 shall be present in person to explain the delay when the case will be listed for hearing on the next date.

To 18.3.14 for hearing and for filing of compliance report.

Let a plain copy of the order duly countersigned by the Tribunal Officer be furnished to both sides on observance of due formalities.

(LT. GEN K.P.D.SAMANTA)
MEMBER(A)

(JUSTICE RAGHUNATH RAY)
MEMBER(J)