

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

ORDER SHEET

APPLICATION No. C.A. No. 9/2014
{Arising out of L.A. No. 39/2011}

APPLICANT (S)	Dayanand Prasad
RESPONDENT (S)	Shri R. K. Mathur & 5 Others
Legal Practitioner for Applicant (s)	Legal practitioner for Respondents
Mr. Fulman Singh	None for contemnors Nos. 1 and 2 Mr. Rajib Mukherjee for contemnors No. 6

ORDERS OF THE TRIBUNAL

<u>Order Serial Number:</u> 3	<u>Dated:</u> 29.06.2015
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Mr. Fulman Singh, learned counsel appears for the applicant. No counsel appears for contemnors Nos. 1 and 2. Mr. Rajib Mukherjee, appearing for the contemnor No. 6 files affidavit in opposition (A O) which is taken on record. Major. Narendra Singh, OIC, Legal Cell, HQ Bengal Area is present.

This is a contempt application under Section 19 of the Armed Forces Tribunal Act, 2007. OIC, Legal Cell raises a point that the learned counsel for the applicant could not indicate the particulars of the officers who are actually responsible for implementation of the order dated 09.12.2013 passed by this Tribunal in LA No. 39/2011. We, however, feel only because the applicant is not in a position to furnish full particulars of the officers responsible for implementation of this Tribunal's order (supra), it should not stand in the way of implementation of the order; that too when the matter is hanging for more than one year. We direct the OIC, Legal Cell to get instructions from OIC Records regarding the particulars of the officers who are responsible for implementation of the order of this Tribunal (supra) within seven days. In the meantime, we direct the Registry to send a copy of this order to the Chief of the Army Staff as well as PCDA(P) Allahabad to look into the matter as to why the order dated 09.12.2013 passed by this Tribunal could not be implemented and the benefit of the order could not be extended to the applicant with all consequential benefits in terms of the order.

Since number of applications are filed before different Tribunals of the country for non-implementation of the order, it shall be proper for the Chief of the Army Staff to issue appropriate instructions so that the orders passed by the Tribunals are implemented in case such orders are not stayed by the Hon'ble Supreme Court.

List the matter for admission on 08.07.2014, as prayed for by the learned counsel for the applicant.

A plain copy of the order, duly countersigned by the Tribunal Officer, be given to the parties by today evening itself upon observance of all usual formalities.

(Lt Gen Gautam Moorthy)
Member (Administrative)

(Justice Devi Prasad Singh)
Member (Judicial)