
(2022) 06 AFT CK 0001

Armed Forces Tribunal Principal Bench, New Delhi

Case No: MA 1908/2019 in OA 124/2012

Ex Lt Col Rajan Sawhney

APPELLANT

Vs

Union of India & Ors

RESPONDENT

Date of Decision: June 1, 2022

Hon'ble Judges: Rajendra Menon, Chairperson, (J); P.M. Hariz, Member (A)

Bench: Division Bench

Advocate: S.S. Pandey, Sagar Mahlawat, Harish V. Shankar

Final Decision: Dismissed

Judgement

1. Seeking execution of the order passed by this Tribunal on 13.08.2018 in O.A. No. 124 of 2012, this application has been filed. The application was

filed in the year 2019 and on 07.08.2019, notice was issued to the respondents and they were directed to submit a compliance report on 12.09.2019.

However, the compliance report was never submitted. In the meanwhile, on 16.09.2019, it was brought to the notice of the Tribunal that a review

application was filed and after it was dismissed, the matter has been taken up by the respondents by moving the Honâ€™ble Supreme Court. Since

November, 2019, this application has been pending because a Civil Appeal @ Diary No. 45201 of 2019, was pending before the Honâ€™ble Supreme

Court and we thought it appropriate not to make any indulgence into the matter in view of the pendency of the same before the Honâ€™ble Supreme

Court. However, today Shri Pandey produced before us an order dated 23.05.2022, whereby the Honâ€™ble Supreme Court dismissed the Civil

Appeal filed by the Union of India vide Diary No. 45201 of 2019.

2. Keeping in view the aforesaid, we direct the respondents to comply with the order passed by the Tribunal on 13.08.2018 in O.A. No. 124 of 2012

and submit a compliance report within a period of six weeks from today.

3. The matter be listed for orders on 11th July, 2022.

4. We make it clear that now as the Honâ€™ble Supreme Court has dismissed the civil appeal filed by the Union of India, respondents should not

come out with any other excuse. Whatever is required to be done in the matter should be done by the next date i.e. 11th July, 2022. In case the order

is not complied with by the said date, we will take coercive action which would also include contempt action against the officers who are responsible

for the delay.

5. Merely by filing an appeal in the Honâ€™ble Supreme Court and without obtaining any order, the respondents have managed to evade the order

under execution for more than four years now and we will not permit them to cause any further delay beyond 11th July, 2022.

Copy of this order be given â€˜Dastiâ€™.