

Form No. 4
{See rule 11(1)}
ORDER SHEET
ARMED FORCES TRIBUNAL, REGIONAL BENCH, LUCKNOW

Ex A. No. 18 of 2018 Inre T.A. No. 133 of 2010

Yogendra Singh Tomar
By Legal Practitioner for the Petitioner

Petitioner

Versus

Union of India & Others
By Legal Practitioner for Respondents

Respondents

Notes of the Registry	Orders of the Tribunal
	<p><u>31.01.2022</u> <u>Hon'ble Mr. Justice Umesh Chandra Srivastava, Member (J)</u> <u>Hon'ble Vice Admiral Abhay Raghunath Karve, Member (A)</u></p> <p>Heard Shri DKS Rathore, learned counsel for the petitioner and Shri Namit Sharma, learned counsel for the respondents assisted by Major Tarun V Pillai, Departmental Representative of the respondents.</p> <p>This application has been filed to implement the order dated 20.09.2017 passed in T.A. No. 133 of 2010. Applicant has been held entitled to Rs 35,000/- towards salary for the period from Sep 1999 to Feb 2020 in lieu of services rendered in Kargil and Batalik alongwith interest @ 10% and full salary in accordance with rules for the full length of service of the rank he was holding with pension and other benefits alongwith interest @ 10% on arrears and cost Rs 2 lacs.</p> <p>Learned counsel for the applicant submits that despite the order being of dated 20.09.2017 the same has not yet been implemented by the respondents without any valid reason.</p> <p>On the last date it was submitted from the side of the respondents that in regard to compliance of the order, Govt sanction has been accorded on 31.08.2021. It was further submitted to grant 04 weeks time to enable respondents to generate PPO.</p> <p>On the submissions made above respondents were allowed to generate PPO within 04 weeks, as prayed. It was also directed in the order that if respondents fail to generate the PPO, the Pay Accounts Officer (PAO) Rajputana Rifles Centre, Delhi shall personally appear in the court on the next date fixed to explain the reasons for non compliance of the order. Despite the above the Pay Accounts Officer, Rajputana Rifles Centre, Delhi is not present to explain the reasons, rather it is submitted from his side that certain formalities are required to be completed by the respondents for generation of PPO in which regard a letter dated 21.12.2021 has been issued to the applicant requiring him to complete the formalities. It is further submitted that</p>

despite letter being sent a month back, applicant has not completed the formalities with the result the PPO could not be generated. It is further submitted that once formalities are completed the matter would be immediately processed for generation of PPO.

In reply, learned counsel for the applicant submits that alleged letter has been received to the applicant only yesterday i.e. 30.01.2022. He also submits that applicant's rank in the letter has been shown as Sepoy whereas he was in the rank of Naik when dismissed from service.

Considering the submissions made by learned counsel for the parties we find that explanation given by the respondents for non compliance of the order is not proper. In our order dated 24.11.2021 it has been specifically stated that in case of PPO being not generated within a period of 04 weeks, the Pay Accounts Officer, Rajputana Rifles, Delhi shall be physically present in the court to explain the reason of non implementation of the order. In case of non compliance of the order the Pay Accounts Officer himself is required to be present in the court to explain the reasons instead giving explanation through counsel.

We, therefore, direct the registry of this Tribunal to issue notice to Pay Accounts Officer, Rajputana Rifles, Delhi to appear in person on 14.03.2022 and to file personal affidavit stating reasons for not complying the order and why coercive action be not taken against him for non compliance.

Copy of this order be given to AFT, Legal Cell also to serve the same to the officer concerned.

(Vice Admiral Abhay Raghunath Karve)
Member (A)

(Justice Umesh Chandra Srivastava)
Member (J)

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