

2024.PHHC.091141-DB



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-16584-2024 (O&M)

Date of Decision: 19.07.2024

Mrs. Shiv Dei Guleria

...Petitioner

Versus

Union of India and Ors.

...Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MR. JUSTICE KARAMJIT SINGH**

Present:- Lt. Col. Naresh Ghai, Advocate for petitioner.

SUDHIR SINGH, J.

By way of the present writ petition, the petitioner seeks issuance of a writ in the nature of mandamus directing respondents No.1 to 3 to implement the order dated 01.11.2022 (Annexure P-1) passed by the Armed Forces Tribunal, (for short the AFT), Regional Bench, Chandigarh at Chandigarh, whereby the said respondents were directed to grant family pension to the petitioner within a period of three months.

2. Learned counsel for the petitioner contends that the order dated 01.11.2022 passed by the AFT, is not being implemented by the official respondents, despite the fact that in the execution application filed by the petitioner before the AFT, various directions had been issued to comply with the said order.

3. Notice of motion.

4. Ms. Geeta Singhwal, Senior Panel Counsel, accepts notice on behalf of respondents No.1 to 3. She states that the Execution Application before the AFT is fixed for 25.09.2024 and that the order passed by the AFT will be implemented by the respondents before the said date.

5. It is a very unfortunate situation where instead of implementing the order passed by the AFT, the respondents have compelled the petitioner, who is a widow of a retired Army personnel, to knock on the door of this Court. Still further, in the execution application before the AFT, despite issuance of directions from time to time for implementation of the order dated 01.11.2022, the said order has not been complied with till date. It is undisputed that the order dated 01.11.2022 passed by the AFT has attained finality as no appeal or revision has been filed by the official respondents against the said order.

6. Even today, as noticed above, the Senior Panel Counsel, appearing for the official respondents, states that the order will be complied with before the next date of hearing in the execution proceedings before the AFT, which are stated to be pending for 25.09.2024. No explanation, however, is forthcoming as to why the order dated 01.11.2022 passed by the AFT, has not been complied with till date.

7. Be that as it may, this Court records its deep disappointment and anguish towards the lackadaisical attitude of the official respondents. As a matter of fact, we find no justification on

the part of the official respondents, in not complying with the order dated 01.11.2022 passed by the AFT, for the last more than 1-1/2 years.

8. In view of the above, we dispose of the present writ petition with a direction to the AFT to conclude the execution proceedings pending before it expeditiously, but not later than three months.

9. At this stage, Major Partho Katyayan, OIC, Legal Cell, STN HQ, HQ PH&HP(I), Sub Area, present in Court undertakes to convey the observations of this Court to the concerned authorities and persuade and request them to comply with the order dated 01.11.2022 passed by the AFT in its letter and spirit, at the earliest.

[SUDHIR SINGH]
JUDGE

[KARAMJIT SINGH]
JUDGE

19.07.2024
Himanshu

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No