

ITEM NO.301

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

I.A. No.143306/2019 in Writ Petition (Civil) No.857/2016

IN RE: APPOINTMENT OF JUDICIAL MEMBERS IN THE Petitioner(s)
ARMED FORCES TRIBUNAL

VERSUS

MINISTRY OF DEFENCE & ANR. Respondent(s)

(With appln.(s) for direction)

Date : 30-09-2019 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE S.A. BOBDE
HON'BLE MR. JUSTICE S. ABDUL NAZEER

For Petitioner(s)

By Courts Motion, AOR

Mr. Rakesh Khanna, Sr. Adv.
Mr. Piyush Sharma, AOR
Mr. Rajiv Manglik, Adv.
Mr. A.K. Trivedi, Adv.
Mr. Rohit Kumar, Adv.
Mr. Ram Shankar, Adv.

For Respondent(s)

Mr. K.K. Venugopal, AG
Mr. Tushar Mehta, SG
Mr. R. Balasubramanian, Sr. Adv.
Mr. Rajat Nair, Adv.
Ms. Shraddha Deshmukh, Adv.
Mr. Arvind K. Sharma, Adv.

Mr. Mohan Kumar, AOR

UPON hearing the counsel the Court made the following
O R D E R

I.A. No.143306/2019 in W.P.(C) No.857/2016

This interlocutory application has been filed seeking direction for continuance of the Chairperson and two

Judicial Members of the Armed Forces Tribunal, whose tenure is going to end on 6th October, 2019, 5th December, 2019 and 14th December, 2019, respectively.

So far as the Chairperson of the Tribunal is concerned, recommendations have been made and the matter is awaiting orders of the appropriate authority i.e. Union Government. The Union Government may act accordingly.

So far as the two Judicial Members are concerned, whose terms are going to end in the month of December, 2019, the learned Attorney General for India has submitted that no order at this stage is required. He also submitted that the issue of filling up of the other vacant posts of judicial members in the Tribunal shall be taken up by the Government after the judgment in Kudarat Sandhu vs. Union of India [Writ Petition (Civil) No.279 of 2017] is rendered. As the terms of the two Judicial Members are due to expire in December, 2019, we do not consider it necessary to pass any order at this stage.

So far as the fresh appointment to vacant posts of Judicial Members in the Tribunal is concerned, we leave it open to the Government to act on the basis of the recommendation of the Committee, if such recommendation has been made.

The interlocutory application is disposed of in the above terms.

(Chetan Kumar)
A.R. -cum-P.S.

(Anand Prakash)
Court Master