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**COURT NO. 2, ARMED FORCES TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI  
O.A. No.142 of 2012 with M.A. No.201 of 2012**

**IN THE MATTER OF:**

**Sepoy Raghbir Singh Tomar**

**.....Petitioner**

**VERSUS**

**Union of India & Ors.**

**.....Respondents**

**Dated: 11.09.2012**

Present: Ms. Archana Ramesh, counsel for the Petitioner.  
Mr. Ajai Bhalla, counsel for the respondents.

The grievance in this case arose to the petitioner way back on 19.11.2009 by passing of the impugned order declining to reinstate on the ground of his having completed the tenure of service and attained the age of superannuation while the O.A. has been filed on 02.04.2012 only.

Learned counsel for the petitioner submitted that since the grievance arose within three years (before establishment of this tribunal), the petition can be maintained. Prima facie we feel that even with respect to grievances arising prior to three years of the establishment of the Tribunal, are also required to be filed within six months as contemplated by Section 22 of the AFT Act.

Learned counsel for the petitioner wants time to satisfy on this legal aspect about the maintainability of the O.A. at this belated hour.

Put up on 25.09.2012, as prayed for.

**M.L. NAIDU  
(Administrative Member)**

**N.P. GUPTA  
(Judicial Member)**

**Dated: 11.09.2012  
rsk**