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**COURT NO. 2, ARMED FORCES TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
O.A. No.54 of 2012 with M.A. No.77 of 2012**

IN THE MATTER OF:

Ex. SPR Anil Kumar Rawat

.....Petitioner

VERSUS

Union of India & Ors.

.....Respondents

Dated: 12.09.2012

Present: Mr. S.S. Pandey, counsel for the petitioner.
Mr. Anil Gautam, counsel for the respondents.

Heard learned counsel for the petitioner at length.

The petitioner seeks to challenge the discharge ordered on 26.12.1998.

The present O.A. has been filed on **15.02.2012**.

An application has also been filed for condonation of delay, being M.A. No.77/2012, and the ground given for condonation of delay is that the applicant was suffering from psychiatric problems while in service, as also when he was discharged. His psychiatric condition further deteriorated after discharge from service, and the widowed mother had been occupied with treatment of the petitioner. On improvement of his condition, he has filed the application under Right to Information Act, seeking certain information/documents related to his discharge, as owing to his physical and mental condition he was not in a position to

ascertain the reasons for his discharge, to make a grievance in this regard earlier. He could obtain the relevant documents in May, 2011, which revealed that he had been discharged from service in total contravention to the instructions on the subject.

Suffice it to say that no medical documents were filed along with the application, however, today learned counsel for the petitioner made available for our perusal certain medical papers, and a look at these documents shows that they are all of the year 2002, to start with, being dated 10.08.2002, 27.08.2002, then it is of 24.12.2008, 08.03.2009, 11.04.2009, 04.06.2009 and 09.09.2009. Then EEG report dated 02.06.2011 has been made available, which also shows low voltage activity, which may be due to anxiety state, and fast activity may be due to restless mind. The CET scan record did not reveal any localisation. The awake record did not reveal any sharp wave or signs of localisation or lateralisation. Then certain papers of January, March and July 2011 have also been made available to show continued administration of some medicines.

However, taking everything on the face value, without going into the long and short effect of them, even according to the petitioner, after he improved his position of health, moved application under Right to Information Act and the information could be obtained in May, 2011. Even taking from that date, the petitioner is clearly bared by time.

Thus, we do not find any ground to condone the delay. The application for condonation of delay is therefore dismissed. Consequently, the petition is also dismissed being time barred.

M.L. NAIDU
(Administrative Member)

N.P. GUPTA
(Judicial Member)

Dated: 12.09.2012
rsk