

COURT NO. 1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

87.

RA 66/2023 WITH MA 5367/2023 IN OA 622/2022

Union of India & Ors. Applicant
Versus
Ex Sgt Jai Singh Sehrawat Respondents

For Applicant : Mr. Shyam Narayan, Advocate
For Respondents : Mr. O.S. Puniya, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

O R D E R
21.12.2023

Vide this Tribunal's order dated 20.02.2023 MA 781/2022 condoning the delay in filing the counter affidavit was allowed. However, on going through the record, we find that the applicant has filed the application (MA 781/2022) seeking condonation of delay of 3965 days in filing the OA.

2. Keeping in view the averments made in the MA 781/2022 and in the light of of the decision in Union of India and others Vs. Tarsem Singh (2009(1) AISLJ 371), the delay in filing the OA is condoned.

MA 5367/2023

3. Keeping in view the averments made in the application and in the light of the decision in Union of India and others

Vs. Tarsem Singh (2009(1) AISLJ 371), the delay in filing the RA is condoned.

4. MA stands disposed of.

RA 66/2023

5. Invoking the jurisdiction of this Tribunal under Rule 18 of the Armed Forces Tribunal (Procedure) Rules, 2008 the applicant-(UoI) has filed this RA praying for review of the order dated 20.02.2023 passed in OA 622/2022.

4. It is the contention of UoI that since the applicant in OA approached this Tribunal belatedly and also in view of the judgment passed by this Hon'ble Tribunal in a similar matter being OA No. 1476/2021 titled as *Col (TS) JK Tripathi (Retd) vs Union of Indian & Ors.*, and in view of the law laid down in Tarsem Singh's case (Supra), the arrears have been restricted to three years prior to the date of filing of the OA.

5. We have heard learned counsel for the parties and have also gone through the judgment referred to by learned counsel for the applicant- (UoI) in Col (TS) JK Tripathi (Retd) (Supra).

6. Keeping in view the aforesaid, we are of the considered

view that there is an error apparent on the face of record and, therefore, while allowing the RA we direct that the arrears payable to the original applicant in terms of order dated 20.02.2022 passed in OA 622/2022 shall be restricted to three years prior to the filing of OA, i.e., 29.03.2022.

7. RA stands disposed of.

**[JUSTICE RAJENDRA MENON]
CHAIRPERSON**

**[REAR ADMIRAL DHIREN VIG]
MEMBER (A)**

Ps