

COURT No. 2, ARMED FORCES TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
(Through Virtual Hearing)

32.

RA 13/2021 WITH MA 1513/2021 IN OA 417/2016

In the matter of :

Union of India & Ors.

.....Applicant

Versus

L/Nk Manu Gopan

.....Respondents

For Applicant : Mr. S. D. Windlesh, Advocate

For Respondents : Ms. Archana Ramesh, Advocate

CORAM:

HON'BLE MS.JUSTICE SUNITA GUPTA, MEMBER (J)

HON'BLE LT. GEN. P. M. HARIZ, MEMBER (A)

O R D E R

12.08.2021

RA 13/2021

The applicant (who is respondent in the main OA) seeks review of the order dated 21st August 2018 passed by the Tribunal. Along with this RA, MA 1513/2021 has also been moved seeking condonation of delay of 172 days in filing the review application.

At the outset, a query has been made from learned counsel for the applicant as to how calculation of 172 days has been made as delay in filing the RA since the order is dated 21st August 2018. Orally it is stated that the period, when nation was suffering from COVID-19 has to be excluded and having done so, the delay is only 172 days.

Counsel for the respondents (who is applicant in the main OA) submits that the order was dated 21st August 2018

and the application for review was required to be filed within 30 days of the order and therefore, the application for review at best could have been filed by 21st September 2018 and at that time, there was no COVID. Counsel for the respondents further submits that several applications by either of the parties including RA No. 57 of 2016 in OA No. 365/2010 are pending before Court No. 1 for considering the issue as to whether a delay of more than 30 days in filing review application can be condoned by the Tribunal and therefore, it will be desirable that this application be also clubbed with those applications.

List before Hon'ble Chairperson for appropriate directions.

(JUSTICE SUNITA GUPTA)
MEMBER (J)

(LT. GEN.P. M. HARIZ)
MEMBER (A)

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