

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

45.

RA 37/2023 with MA 3759/2023 in OA 956/2016

Ex Sep Naginder Singh ... Applicant
Versus
Union of India & Ors. ... Respondents

For Applicant : Mr. Naresh Ghai &
Mr. Manoj Kr Gupta, Advocates

For Respondents : Mr. Avdhesh Kumar Singh, Advocate

WITH

46.

MA 1072/2023 in OA 956/2016

Ex Sep Naginder Singh ... Applicant
Versus
Union of India & Ors. ... Respondents

For Applicant : Mr. Naresh Ghai, Advocate

For Respondents : Mr. Avdhesh Kumar Singh, Advocate

CORAM :

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE LT GEN C. P. MOHANTY, MEMBER (A)

O R D E R
10.11.2023

RA 37/2023 with MA 3759/2023

This is an application filed under Rule 18 of the Armed Forces Tribunal (Procedure) Rules, 2008 praying for review of the order passed by this Tribunal on 16th March, 2020 in OA 956/2016. There being a delay of 1252 days in filing the review application, MA 3759/2023 has been filed seeking condonation of delay.

2. We have heard learned counsel for the applicant and considering the grounds canvassed and the law laid down by the Hon'ble Supreme Court in the case of *Sasi (Dead) through Legal Representatives Vs. Aravindakashan Nair and others* (2017) 4 SCC 692, we find that there is no error apparent on the face of record warranting reconsideration. There is also an unexplained inordinate delay of 1252 days in filing of this review application.

3. Accordingly, the RA is dismissed both on the ground of delay and merit.

MA 1072/2023

4. Even though respondents have filed documents indicating payment of benefits to the applicant in pursuance to the orders passed in the OA 956/2016, from the affidavit filed by the applicant on 12th October, 2023 along with bank statement and the PPO it seems that certain benefits pertaining to arrears along with interest, as indicated in Para 1 and 2 of the application, have not yet been paid.

5. On filing of process fee within a period of two weeks' notice shall be issued to respondent Nos. 4 and 5 along with a copy of the application and the affidavit filed by the applicant asking them to show cause as to why the arrears and the interest have not been paid, returnable within six weeks.

6. That apart the official respondent Nos. 1-3 shall also give their say on the affidavit filed by the applicant within six weeks.
7. List again on 2nd February, 2024.
8. Let a copy of this order be provided *DASTI* to learned counsel for the parties.

[RAJENDRA MENON]
CHAIRPERSON

[C. P. MOHANTY]
MEMBER (A)

Priya
RA 37/2023
MA 1072/2023