

COURT No.2
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

8.

RA 46/2023 with MA 4373/2023 in OA 2081/2018

Ex Sgt Raj Kumar Nagar Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Praveen Kumar, Advocate
For Respondents : Mr. Harish V Shankar, Advocate

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

O R D E R

17.10.2023

MA 4373/2023 has been filed on behalf of the applicant seeking condonation of delay of 131 days in filing the RA 46/2023, with reasons mentioned therein to the effect that the applicant is a disabled soldier and due to lockdown could not come out from his place and thus could not file the RA 46/2023.

2. On behalf of the respondents reliance is placed on Rule 18

(1) of the AFT Procedure Rules 2008 which reads to the effect:-

“18. Application for review. (1) No application for review shall be entertained unless it is filed within thirty days from the date of receipt of copy of the order sought to be reviewed.

(2) An application for review shall ordinarily be heard by the same Bench which has passed the order, unless the Chairperson may, for reasons to be recorded in writing, direct it to be heard by any other Bench.

(3) Unless otherwise ordered by the Bench concerned, an application for review shall be disposed of by circulation where the Bench may either dismiss the application or direct notice to be issued to the opposite party.

(4) Where an application for review of any judgment or order has been disposed of, thereafter no application for further review shall lie.

(5) No application for review shall be entertained unless it is supported by a duly sworn affidavit indicating therein the source of knowledge, personal or otherwise. The counter-affidavit in review application will also be a duly sworn affidavit wherever any averment of fact is disputed.”

submitting to the effect that the same had not been filed within the stipulated period of time and thus cannot be granted.

3. Though in the interest of justice even if the factum of the then prevailing pandemic which started in 2020 is taken into account, the said pandemic has since subsided long ago, i.e. more than a year ago and the present RA 46/2023 has been filed on the date 10.10.2023 which is wholly and grossly time barred and is thus dismissed..

4. Learned counsel for the applicant makes an oral prayer for grant of leave to appeal in terms of Section 31(1) of the Armed Forces Tribunal Act, 2007 to assail the aforesaid order before the Hon’ble Supreme Court. In our considered view, there appears to be no point of law much less any point of law of general public importance involved in this order to grant leave to appeal. Therefore, the prayer for grant of leave to appeal stands declined.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)