

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

5.

MA 3506/2023 in MA 3507/2023 in OA 1342/2019

UOI & Ors Applicant
VERSUS
Lt Col Philomina CJ (Retd). Respondents

For Applicant : Dr. Vijendra Singh Mahndiyan, Advocate
For Respondents : None

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE LT GEN P.M HARIZ, MEMBER (A)

ORDER
01.09.2023

MA 3507/2023 is filed by the respondents seeking condonation of 37 days delay in filing MA 3506/2023 seeking leave to appeal to the Hon'ble Supreme Court under Section 31 of the AFT Act, 2007, for reasons explain in the application in the interest of justice is allowed in the delay in filing the said application seeking condonation of delay in filing the application seeking leave to appeal is allowed.

MA 3506/2023 is an application is filed on behalf of the respondents seeking leave to appeal under Section 31 of the AFT Act, 2007 against the order dated 17.05.2023 in OA 1342/2019. On perusal of the application and on perusal of the order dated 17.05.2023 we find no question of general public importance involve in the matter nor is there any ground whatsoever for the

grant of the prayer made by the applicant in view of the verdict of the Hon'ble Supreme Court in *Ex Lac Yogesh Pathania vs. Union of India & Ors.* (2019) 4 SCC 311 and *Union of India & Ors. vs. Parashotam Dass* Civil Appeal No. 447 of 2023.

Furthermore, we draw the attention of the respondents to the order dated 11.07.2023 of the Hon'ble Supreme Court in Civil Appeal No. 438/2023 and the order dated 24.08.2023 of this Tribunal in MA 3438/2023 in OA 1911/2021.

The application MA 3506/2023 is declined.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(LT GEN P M HARIZ)
MEMBER (A)

Yogita