

**COURT No.3
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

32.

OA 2004/2019 WITH MA 2929/2019

Ex Sgt Shyam Sunder Yadav **Applicant**
VERSUS
Union of India and Ors. **Respondents**

For Applicant : Mr. Praveen Kumar, Advocate
For Respondents : Mr. Sagar Mahlawat, Advocate

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE LT GEN SHASHANK SHEKHAR MISHRA, MEMBER (A)

ORDER
17.01.2023

MA 2929/2019

This is an application filed under Section 22(2) of the Armed Forces Tribunal Act, 2007 seeking condonation of delay of 1052 days in filing the present OA. In view of the judgments of the Hon'ble Supreme Court in the matter of **UoI & Ors Vs Tarsem Singh 2009(1)AISLJ 371** and in **Ex Sep Chain Singh Vs Union of India & Ors (Civil Appeal No. 30073/2017** and the reasons mentioned, the MA 2929/2019 is allowed despite opposition on behalf of the respondents and the delay of 1052 days in filing the OA 2004/2019 is thus condoned. The MA is disposed of accordingly.

OA 2004/2019

The counter affidavit is not on record. The learned counsel for the respondents submits that the same was filed vide Dy.No.2516 in the

year 2020. The Registry is directed to trace out the counter affidavit and be placed on record. No rejoinder is sought to be filed by the applicant.

Re-list for final hearing on 17.07.2023.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(LT GEN SHASHANK SHEKHAR MISHRA)
MEMBER (A)

chanana

