

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

2.

MA 4154/2023 with MA 4155/2023 in OA 231/2019

AE(L) AVM Puran Chandra Singh
Rautela (Retd) Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Ms. Rajeshwari Mitra, proxy for
Mr. Ankush Chowdhary, Advocate
For Respondents : Mr. Y P Singh, Advocate

CORAM

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

ORDER
05.01.2024

On behalf of the applicant, MA 4155/2023 has been filed to set forth the reasons for filing the MA 4154/2023 pursuant to directions dated 17.11.2023 thereof, it was directed to the effect:-

“On behalf of the respondents it is submitted that there is no response sought to be filed to MA 4154/2023 nor to MA 4155/2023.

Vide MA 4155/2023 which is an application under Section 31 (2) of the AFT Act 2007, condonation of 315 days delay is sought in filing the application seeking leave to appeal against the order dated 18.10.2022 in OA 231/2019. Apparently, the application seeking leave to appeal has not been filed within the stipulated period of time.

Vide paragraph 3 of the application in MA 4155/2023, it has been submitted to the effect:-

“3. That after receipt of the impugned rejection order, the applicant could move the requisite application requesting for leave to appeal due to poor medical condition and and is now constrained to file application for condonation of delay for 11 months 2 days”

*The documents in relation thereto in support of the submission that the applicant was suffering from poor medical condition and could not file the application seeking leave to appeal, if any, be filed with an affidavit within a period of two weeks with a copy being supplied to the respondents through counsel who shall also conduct the verification of the document before the next date of hearing.
Re-list the matter on 05.01.2024.”*

2. It is essential to observe that the applicant has filed MA 4155/2023 under Section-31(2) of the AFT Act, 2007 seeking condonation of 315 days delay in filing the application seeking leave to appeal against the order dated 18.10.2022 in OA 231/2019 and apparently the said application seeking Leave to appeal as already observed vide order dated 17.11.2023 has not been filed within the stipulated period of time. Learned counsel for the applicant submits that the applicant is bed ridden and thus the documents in support of the contentions of the applicant that he is in poor medical condition have not been able to filed and could not be placed on record.

3. It is essential however to observe that the aspect in relation to the grant of condonation of the period, such review is made subjudice vide order dated 03.01.2019 of the Hon'ble AFT(RB), Chennai Bench in OA 64/2018 in view of the difference of opinion between the Hon'ble Members therein in relation to the grant of the condonation of delay in filing the application.

4. In as much as vide order dated 31.01.2019 in OA 64/2018, the matter had been directed to be referred to the Hon'ble Chairperson, before proceeding further the Registry is directed to place before us the

status of the reference made vide order dated 03.01.2019 in
OA 64/2018.

Re- list the matter on **01.05.2024**

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(LT GEN C.P. MOHANTY)
MEMBER (A)

TS