

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

4.

OA 2715/2023 WITH MA 3838/2023

Ex Nb Sub Joga Singh Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Raj Kumar, Advocate
For Respondents : Ms. Sheetal Raghuvashi, Advocate

CORAM

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

ORDER
18.09.2023

MA 3838/2023

This is an application filed under section 22(2) of the Armed Forces Tribunal Act, 2007 seeking condonation of delay of 7039 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 in the application, the MA 3838/2023 is allowed and the delay of 7039 days in filing the OA 2715/2023 is thus condoned. The MA is disposed of accordingly.

OA 2715/2023

2. Inter alia it is submitted on behalf of the applicant that the first appeal dated 16.01.2023 filed by the applicant against the non grant of the disability claim of pension is still pending with

the respondents and is not being responded to. In view thereof in terms of 21(2) (b) AFT Act 2007, we consider it appropriate to take up the OA for consideration. Notice of the OA is thus issued and accepted on behalf of the respondents. The counter affidavit be filed by the respondents within a period of four weeks. Rejoinder, thereto, if any, be filed by the applicant within a period of four weeks thereafter.

3. The complete RMB proceedings be produced by the respondents in original on the date of hearing with a copy thereof being placed on the record and the copy being supplied to the applicant through counsel.

4. The prayer made on behalf of the respondents submitting to the effect that this Court has no jurisdiction, is declined, in view of the orders on the record where by the applicant has not been granted the benefit of the disability element of pension.

5. List the matter before the Principal Registrar on **20.11.2023** for completion of pleadings and before the Bench thereafter.

**(JUSTICE ANU MALHOTRA)
MEMBER (J)**

**(REAR ADMIRAL DHIREN VIG)
MEMBER (A)**