

**COURT No.1, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

223.

OA 2022/2017 with MA 1533/2017

Ex Cpl Ramesh Soni Applicant
Versus	
Union of India & Ors Respondents

For Applicant	:	Mr. VS Kadian, Advocate
For Respondents	:	Mr. SR Swain, Advocate

CORAM:

HON'BLE MR. JUSTICE V.S. RAVI, MEMBER (J)
HON'BLE LT. GEN. GYAN BHUSHAN, MEMBER (A)

O R D E R
30.01.2018

This is an application filed by the applicant for condonation of delay in filing O.A. 2022/2017. It is specifically stated in para 3 of the MA that the entire family of the applicant suffered due to loss of job of the applicant and he was not much aware of legal provision/rules as the Air Force Publication is not available in open market and not in public domain, he was also taking legal advice in the matter of filing the matter before the Hon'ble Armed Forces Tribunal for adjudication.

2. Further in the judgment relied upon by the applicant in para 4 of the application the Hon'ble Supreme Court in **Union of India & Ors v. Tarsem Singh reported in 2008 (8) SCC 648. 2008 (11) SCALE 594, 2008(6) SLR 440** ultimately passed an order which reads as under:-

“As a consequence, High Courts will restrict the consequential relief relating to arrears normally to a period of three years prior to the date of filing of writ petition.”

The relief prayed for in the O.A. is to direct the respondents to reinstate the applicant, to grant service pension to the applicant and also to pay arrears of pay and service pension.

4. On a perusal of material available on record it is seen that the present application has to be allowed as per the principles stated by the

Hon'ble Supreme Court in **Union of India & Ors v. Tarsem Singh (supra)** and having regard to the facts and circumstances of the present case, the delay in filing the O.A., is condoned subject to the condition that if the applicant is granted any benefits under the present OA the said arrears will be restricted to three years from the date of filing of present O.A. i.e. 29.11.2017.

3. With the aforesaid observation, the application for condonation is ordered.

OA 2022/2017

4. Counsel for the respondents prays time to file reply in the main O.A.

4. List on **26.03.2018**.

**(VS RAVI)
MEMBER (J)**

**(GYAN BHUSHAN)
MEMBER (A)**

30.01.2018SUDHA