

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

4.

OA 2734/2023 with MA 3855/2023

Ex POME Ashok Kumar Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Ved Prakash, Advocate
For Respondents : Mr. D K Sabat, Advocate

CORAM

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

ORDER
21.09.2023

MA 3855/2023

This is an application filed under section 22(2) of the Armed Forces Tribunal Act, 2007 seeking condonation of delay of 21 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 3855/2023 is allowed and the delay of 21 days in filing the OA 2734/2023 is thus condoned. The MA is disposed of accordingly.

OA 2734/2023

In view of the averments made in the OA, inter alia to the effect that the matter stands covered by the order dated 10.1.2.2014 of the Armed Forces Tribunal(PB) in OA 113/2014

in case of Sub Chittar Singh & Ors Vs Union of India & Ors and order dated 13.04.2023, AFT(PB) in OA 2122/2022.

2. Heard.
3. Notice is issued to the respondents.
4. Mr. D K Sabat, Advocate appearing on behalf of the respondents accepts notice. He seeks and is granted two weeks' time to file the counter affidavit. Rejoinder, if any, may be filed within two weeks thereafter.
5. Re-list for final hearing on 11.10.2023.
6. A copy of this order be given Dasti to the respondents.

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

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

CHANANA