

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

13.

**OA 1953/2019 with MA 2823/2019**

**Ex CH ME Dharmapada Sethi** ... **Applicant**

**Versus**

**Union of India and Ors.** ... **Respondents**

**For Applicant** : Mr. Ved Prakash, Advocate

**For Respondents** : Mr. V. Pattabhi Ram, Advocate

**CORAM :**

**HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)**

**HON'BLE LT GEN C. P. MOHANTY, MEMBER (A)**

**ORDER**

**11.01.2023**

**MA 2823/2019**

This is an application filed under Section 22(2) of the Armed Forces Tribunal Act, 2007, seeking condonation of delay of **1434** 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 2823 /2019 is allowed and the delay of 1434 days in filing the OA 1704/2019 is thus condoned despite opposition by the respondents. The MA is disposed of accordingly.

**OA 1953/2019**

Learned counsel for the respondents submits that counter affidavit is ready and is with him. He seeks time to file the same within a week. He may do so with copy in advance to counsel for the applicant.

No rejoinder is sought to be filed on behalf of the applicant.

The matter is re-notified for final hearing on **09.05.2023**.

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

**[LT GEN C. P. MOHANTY]  
MEMBER (A)**