

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

21

OA 2234/2019 with MA 3129/2019

Ex Hony Nb Sub Kedar Nath Ram Applicant

VERSUS

Union of India and Ors. Respondents

For Applicant : Mr. Praveen Kumar, Advocate

For Respondents : Mr. SR Swain , Advocate

CORAM

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

HON'BLE LT GEN P.M. HARIZ, MEMBER (A)

ORDER
14.02.2023

MA 3129/2019

This is an application filed under section 22(2) of the Armed Forces Tribunal Act, 2007 seeking condonation of delay of 5071 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 3129/2019 is allowed despite opposition on behalf of the respondents and the delay in filing the OA 2234/2019 is thus condoned. The MA is disposed of accordingly.

OA 2234/2019

The counter affidavit has not yet been filed by the respondents. Four weeks' time is granted to the respondents to file the counter affidavit as a last opportunity failing which the

right to the file the same would stand automatically closed. No rejoinder is sought to be filed by the applicant.

Re-list for final hearing on 23.08.2023.

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

**(LT GEN P.M. HARIZ)
MEMBER (A)**

CHANANA