

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

20

OA 1032/2019 with MA 1424/2023 & 1708/2019

Gp Capt Jayasimharao Vamana Simha (Retd.) Applicant

VERSUS

Union of India and Ors. Respondents

For Applicant : Mr. Baljeet Singh, Advocate

For Respondents : Mr. Neeraj, Sr. CGSC

CORAM

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

HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
04.05.2023

MA 1708/2019

This is an application filed under section 22(2) of the Armed Forces Tribunal Act, 2007 seeking condonation of delay of 2103 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 1708/2019 is allowed and the delay of 2103 days in filing the OA 1032/2019 is thus condoned. The MA is disposed of accordingly.

MA 1424/2023

This is an application filed on behalf of the respondents for condonation of delay of 12 days in filing the counter affidavit. In view of the reasons explained and in the interest of justice, the delay in filing the counter affidavit is condoned. The MA is disposed of accordingly.

OA 1032/2019

The counter affidavit filed by the respondents is taken on record. No rejoinder is sought to be filed by the applicant.

2. Re-list for final hearing on 18.10.2023.

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

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

CHANANA