

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

98.

OA 1261/2019 WITH MA 1948/2021 & 937/2020

Col Avinash Mishra Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Ankur Chhibber, Advocate
For Respondents : Dr. V.S. Mahndiyani, Advocate

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE LT GEN C.P. MOHANTY, MEMBER (A)

ORDER
23.01.2023

MA 937/2020

This is an application filed under section 22(2) of the Armed Forces Tribunal Act, 2007 seeking condonation of delay of 122 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 937/2020 is allowed and the delay of 122 days in filing the OA 1261/2019 is thus condoned. The MA is disposed of accordingly

MA 1948/2021

This is an application filed on behalf of the respondents for condonation of delay of 186 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 1261/2019

The counter affidavit filed by the respondents is on record.

No rejoinder is sought to be filed by the applicant.

Re-list for final hearing on 28.03.2023.

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

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

CHANANA

