

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

95.

OA 2268/2019 with MA 3174/2019

Ex Hony Nb Sub Keshav Prasad Upadhyay ... Applicant

Versus

Union of India & Ors.

... Respondents

For Applicant : Mr. Praveen Kumar, Advocate

For Respondents : Mr. Arvind Patel, Advocate

CORAM :

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

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

O R D E R

03.01.2023

MA 3174/2019

This is an application filed under section 22(2) of the Armed Forces Tribunal Act, 2007 seeking condonation of delay of 4655 days in filing the present OA. Learned counsel for the respondents fairly does not oppose the prayer made on behalf of applicant. 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 3174/2019 is allowed and the delay of 4655 days in filing the OA 2268/2019 is thus condoned. The MA disposed of accordingly.

OA 2268/2019

Counter affidavit filed by the respondents is on record.
No rejoinder is sought to be filed on behalf of the applicant.

List for final hearing on 16.02.2023.

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

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

Chanana/Neha