

**COURT No.2, ARMED FORCES TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

12.

OA 1130/2016 with MA 856/2016

Ex Cpl Kanwar Pal **Petitioner**
Versus
Union of India & Ors. **Respondents**

For petitioner : Mr VS Kadian, Advocate

For respondents : Mr Prabodh Kumar & Mr DK Bhati, Advocate

CORAM:

HON'BLE MR. JUSTICE B.P.KATAKEY, OFFG CHAIRPERSON

HON'BLE LT. GEN. SANJIV LANGER, MEMBER

ORDER
06.10.2016

MA 856/2016

Heard Mr. VS Kadian, the learned counsel for the applicant and Mr Prabodh Kumar, the learned counsel for the respondents.

2. Having heard the learned counsel for the parties and upon perusal of the averments made in the application, we are of the considered view that since the claim for pension is based on a continuing cause of action, which arises every month, the MA needs to be disposed of with the observation that if the applicant is found to be entitled to the relief as claimed in the OA, arrear may be restricted for a period of three years preceding the date of filing of the OA.

3. The MA accordingly stands disposed of.

OA 1130/2016

Heard Mr. V.S. Kadian, learned counsel for the applicant.

2. Issue notice. Since the respondents are represented by the learned counsel, fresh notice need not be issued.

3. The respondents shall file counter affidavit within eight weeks' from now. The applicant shall file rejoinder affidavit, if any, within two weeks thereafter.

4. Place the matter before the Principal Registrar on **08.12.2016** for completion of pleadings. The OA shall be placed before this Tribunal for orders after completion of the pleadings when attempt may be made to take up the OA for final disposal at the order stage itself.

(B.P. KATAKEY)
OFFG CHAIRPERSON

(SANJIV LANGER)
MEMBER

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