

COURT No.2
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

1.

OA 2253/2024 with MA 2689/2024

Smt Shashi Wd/o Sigmn Ranvir Singh Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr. Vivek Bhai Patel, proxy for
Mr. Dharmendra Baghel, Advocate
For Respondents : Mr. Sundeep Kumar, Advocate

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
24.07.2024

In terms of proceedings dated 12.07.2024 the records of OA 2577/2023 have been put up which indicate that vide order dated 25.09.2023 OA 2577/2023 had been permitted to be withdrawn with liberty granted to the applicant to file a fresh application. It is in these circumstances that OA 2253/2024 has been taken up.

2. OA 2253/2024

The applicant vide the present OA makes the following prayers:-

"a) To Set aside the impugned illegal letter/order dated 21.03.2017 issued by Lt. Col. Chief Records Officer, for OIC Records vide Ref. No. 14261706L/SP/NER/T-1 (Imp)

b) To consider the services of the husband of the applicant for 15 years as per rules and regulations of respondent;

c) To direct the concerned authorities under the respondent to allow the grant of family pension to applicant and further direct for the

grant of medical and other consequential benefits/facilities to the wife of the applicant.

d) To direct the concerned authorities under the respondent to provide the medical treatment/medical facilities at all the concerned army hospitals to the wife of the applicant who is suffering from cancer stricken.

e) Pass such any other order or further orders which this Hon'ble Tribunal may deem fit and proper under the special facts and circumstances and in the interest of justice.”

3. Alongwith the same is prayer seeking grant of interim relief:-

“a) Direct the concerned authorities under the respondent to provide all the medical facilities and medical treatment at all the Army Hospitals to the dependent wife who is suffering from cancer.

b) Direct the respondent to clear all the pending dues and other consequential benefits to the wife of the applicant.”

4. MA 2689/2024

This is an application filed under section 22(2) of the Armed Forces Tribunal Act, 2007 seeking condonation of delay of 1020 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 2689/2024 is allowed and the delay of 1020 days in filing the OA 2253/2024 is thus condoned. The MA is disposed of accordingly.

5. OA 2253/2024

Notice thereof is issued to the respondents and accepted on their behalf. In view of the interim prayer that has been made on

behalf of the applicant, the respondents are directed to submit their response within a period of two weeks without default. Rejoinder, if any, thereto be filed by the applicant within a period of one week thereafter.

6. Re-list the matter on **28.08.2024**.
7. Copy of this order be given *DASTI* as prayed.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)

Pooja