

COURT NO. 1
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

19.

OA 1868/2025 WITH MA 2673/2025

Nb Sub Sashidharan K (Retd)		Applicant
Versus		
Union of India & Ors.		Respondents

For Applicant	:	Mr. Jitendra Kr Deo, Advocate
For Respondents	:	Mr. Kumar Gaurav, Advocate

CORAM

HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
02.07.2025

The facts on record indicate that the claim of the applicant for grant of disability benefit was rejected in 2004. The applicant immediately filed a 1st Appeal which was dismissed in the year 2005. From 2005 till 25.11.2024, the applicant slept over the matter and on 25.11.2024, through his counsel sent a legal notice based on which the impugned order has been passed indicating that there is a delay in the matter.

2. The applicant by filing an application for condonation of delay under Section 22(2) of the Armed Forces Tribunal Act, 2007 (hereinafter referred as AFT Act, 2007) vide MA No.2673/2025 excepts for indicating the legal position with regard to condonation of delay, he does not indicate anything

as to why he could not invoke the jurisdiction of this Tribunal or file a 2nd Appeal from the date of dismissal of the 1st Appeal in the year 2005 to 25.11.2024.

3. In our considered view, the principle for explaining every day delay as contemplated under Section 5 of the Limitation Act is applicable while considering an application for condonation of delay under Section 22(2) of the AFT Act, 2007 and without explaining the same, the application under Section 22(2) of the AFT Act, 2007, is not maintainable. Therefore, the applicant is directed to file a separate application under Section 22(2) of the AFT Act, 2007, meeting the requirement of not only Section 22 of the AFT Act, 2007, but also the principles carved out and laid down by the Hon'ble Supreme Court while interpreting the provisions of Section 5 of the Limitation Act. Four weeks' time is granted to the applicant to file a fresh application for condonation of delay.

4. List again on **06.08.2025**.

**[JUSTICE RAJENDRA MENON]
CHAIRPERSON**

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