

IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

5.

TA No.268/2009 with M.A. No.26/2010  
W.P.(C) No.7331/2009

Rfn Jitender Singh

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

For petitioner: Ms. Monica Nagi, Advocate  
For respondents: Mr. Ankur Chibber, Advocate

CORAM:

HON'BLE MR. JUSTICE A.K. MATHUR, CHAIRPERSON.

HON'BLE LT. GEN. M.L.NAIDU, MEMBER.

ORDER  
19.12.2012

This petition has been received on transfer from the Hon'ble Delhi High Court after formation of this Tribunal.

The petitioner in this petition has challenged the order of discharge dated 04.06.2004. A writ petition was filed before the Delhi High Court in the year 2009. When the matter came up before the Division Bench on 06.03.2009, the Hon'ble Division Bench observed that "*In the meantime, additional affidavit shall be filed explaining the delay in filing the writ petition*".

The petitioner filed the so called explanation for condonation of delay and in that petitioner has not pointed out what were the factual causes for this delay except saying that because of unavoidable reasons. This is no explanation for condoning the delay of this distance of time.

Learned counsel for the respondents has strongly objected that there is no explanation worth condoning the delay. Therefore, this petition should be dismissed on the ground of delay alone.

We upheld the objection of learned counsel for the respondents that despite the opportunity given to the petitioner by the Division Bench of Delhi High Court for explaining the delay, the petitioner has not come forward with any plausible explanation of condonation of delay. The petition is dismissed on the ground of delay.

**A.K. MATHUR**  
(Chairperson)

**M.L.NAIDU**  
(Member)

New Delhi  
19<sup>th</sup> December, 2012  
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