IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

21.

O. A. No. 131 of 2010

Sub. Gajendra Pal Singh .....**Petitioner**

Versus

Union of India & Ors. .....**Respondents**

For petitioner: Sh. K. Ramesh, Advocate.
For respondents: Capt. Alifa Akbar.

CORAM:
HON'BLE MR. JUSTICE A.K. MATHUR, CHAIRPERSON.
HON'BLE LT. GEN. S.S.DHILLON, MEMBER.

ORDER
7.3.2011

1. This petition is belated one. The petitioner was found to be over aged way back on 1st July 1998. Then he approached the Hon'ble Kerala High Court and the Hon'ble Kerala High Court directed the respondents to pass a speaking order. The speaking order was passed on 11th June 1999. Now the petitioner has filed this petition challenging that order after ten years. Learned counsel for the petitioner now submits that the principle of promissory estoppel should be invoked and in this connection he has invited our attention to the decision of the Hon'ble Delhi High Court in **Lt. Col. Mukul Dev v. Union of India 145 (2007) DLT 53 (DB)**.

2. We regret that at this distant point of time it is not possible to interfere with the matter. By this time the incumbent is 51 years of age. Had the petitioner challenged the order in the year 2000 perhaps some sympathetic consideration could have been

there but after ten years it is not possible to invoke the principle of estoppels when petitioner himself is responsible for this belated challenge to the impugned order.

3. Consequently, we do no find any reason to interfere with the matter and it is dismissed with no order as to costs.

A.K. MATHUR
(Chairperson)

S.S. DHILLON
(Member)

New Delhi
March 7, 2011