

IN THE ARMED FORCES TRIBUNAL, PRINCIPAL BENCH AT NEW DELHI

02.

O.A. No. 230 of 2012

Ex-Havildar Ram Rattan Singh

.....Petitioner

Versus

Union of India & Ors.

.....Respondents

For petitioner: Mr. V.D. Sharma & Mr. R.M. Sharma, Advocates.

For respondents: Mr. Akash Pratap, Advocate.

CORAM:

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

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

ORDER  
10.07.2012

O.A. No. 230 of 2012

1. The Petitioner was discharged in 1975 and he is now making a grievance that his discharge was not proper in 2012. This petition cannot be entertained at this distant point of time. The application for condonation of delay from 1975 till this date is extremely belated and is not acceptable. The Petitioner knew very well the effect of it and now he is agitating in 2012. Section 22 of the Armed Forces Tribunal Act lays down the period of limitation. Therefore, we cannot go beyond the statute and as such the petition is hopelessly belated and the affidavit filed for condonation of delay does not justify the same. However, learned counsel for the petitioner submitted that in similar matters persons who are Havildar getting full pension of Havildar but Petitioner is given pension of Sepoy only. We have a limitation because of Section 22 and, therefore, we cannot interfere in the matter. However, we direct that the Petitioner may make a representation to the

Government and the Government shall look into the matter and pass an order in accordance with law.

2. The petition and application are dismissed. No costs.

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

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

**New Delhi**  
**July 10, 2012**  
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