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COURT NO. 2, ARMED FORCES TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
O.A. No.91 of 2012 with M.A. No.148 of 2012

IN THE MATTER OF:

Ex. Sep. Karnail Singh

.....Applicant

VERSUS

Union of India & Ors.

.....Respondents

Dated: 16.03.2012

Present: Mr. R.K. Sharma, counsel for the applicant.
Dr. S.P. Sharma, counsel for the respondents.

Heard and perused the record.


By way of this O.A., the applicant has challenged the order of discharge passed on 06.05.1972. During the course of submissions, learned counsel for the applicant stated that several representations, one after another were made by the applicant, but as per his own averment in the O.A. it is revealed that the first representation was made on 31.01.2008 after a considerable period of his discharge. Learned counsel for the applicant further submitted that along with O.A., an application under Section 5 of Limitation Act has been filed for condoning delay in filing O.A. A prayer is made that delay be condoned and O.A. be admitted and discharge order be quashed.

We have considered the submission and perused the said order. The act of discharge is a complete act and cause of action accrued on that day. Without establishing anything contrary, no relief can be granted to the applicant. Mere filing of representations again and again does not

extend the period of limitation. The applicant had not filed any case in time to challenge the said order. The Armed Forces Tribunal Act, 2007 under Section 22 prescribes the limitation of three years to challenge the impugned order, but in this case the order of discharge was passed in 1972 and has been challenged in the year 2012. We have also considered the grounds stated in application for condoning delay, but the grounds are not convincing and there is no justification for condoning the inordinate delay.

On the basis of aforesaid discussion, this O.A. is hopelessly time barred and cannot be entertained. Our conclusion finds support from the judgment given by Hon'ble Court No.1 of this Tribunal in O.A. No.55/2012 "*ERA Rakesh Kumar Aggarwal Vs. Union of India & Ors.*" decided on 17.02.2012 wherein against the impugned order passed in 2004 the O.A. was filed in the year 2012, it was held as time barred. The judgment given by Hon'ble Apex Court in "*Union of India Vs. M.K. Sarkar*" (2010) 2 SCC 59 also supports the conclusion wherein it was held that limitation will start from the date of accrual of the cause of action.

O.A. and M.A. stand dismissed at admission stage. No orders as to cost.


M.L. NAIDU
(Administrative Member)


MANAK MOHTA
(Judicial Member)

Dated: 16.03.2012
rsk