

**COURT No.2, ARMED FORCES TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

11.

OA 1421/2016 with MA 1070/2016

**Maj T Prakash
Versus
Union of India & Ors.**

.....Petitioner

.....Respondents

**For petitioner : Mr Rajiv Manglik, Advocate
For respondents : Mr. V. Pattabhi Ram & DK Bhati, Advocate**

CORAM:

**HON'BLE MR. JUSTICE B.P.KATAKEY, OFFG CHAIRPERSON
HON'BLE LT. GEN. S.K. SINGH, MEMBER**

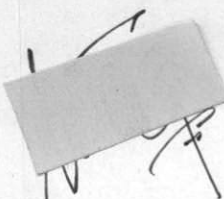
**ORDER
03.11.2016**

MA 1070/2016

1. Heard Mr. Rajiv Manglik, learned counsel for the applicant and Mr V. Pattabhi Ram, learned counsel for the respondents.
2. Having heard the learned counsel and upon consideration of the averment made in the application, more particularly in para 5 thereof, we are of the considered opinion that the applicant was prevented by sufficient cause in not filing the OA in time. Hence the delay of one year, one month and 15 days caused in filing the OA is condoned.
3. MA accordingly stands allowed.

OA 1421/2016

1. Heard Mr. Rajiv Manglik, learned counsel for the applicant.
2. OA is admitted for hearing keeping the question of maintainability of the OA, as raised by the respondents, open and to be decided at the appropriate time.
3. Since the respondents are represented by the learned counsel, no fresh notice need be issued.
4. The respondents within a period of eight weeks from now shall file their counter affidavit.



5. The applicant may file the rejoinder, if any, within two weeks thereafter.

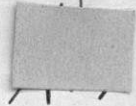
6. List the matter before the Principal Registrar on **12.01.2017** for completion of pleadings. The Registry thereafter shall accordingly place the matter for orders.

7. Heard Mr. Rajiv Manglik, learned counsel for the applicant on the interim relief.

8. Learned counsel for the applicant submits that at this stage, the applicant is not pressing for the interim order as prayed for as the applicant is going to retire from service in March, 2017. Learned counsel further craves leave of this Tribunal to allow the applicant to file separate application seeking interim order, if so advised.

9. In view of the above, the prayer for interim order stands rejected. Liberty, however, is given to the applicant to ask for the interim order, if so advised.


(B.P. KATAKEY)
OFFG CHAIRPERSON


(S.K. SINGH)
MEMBER (A)