

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

30.

**OA 1467/2016 with MA 1105/2016**

**Ex Cfn Ishwar Singh  
Versus  
Union of India & Ors.**

..... **Petitioner**  
..... **Respondents**

**For petitioner : Mr Siya Ram, Advocate**  
**For respondents : Mr SR Swain, Advocate with Maj Renu Singh**

**CORAM:**

**HON'BLE MR. JUSTICE B.P.KATAKEY, OFFG CHAIRPERSON  
HON'BLE LT. GEN. SANJIV LANGER, MEMBER**

**ORDER**  
**16.11.2016**

**M.A No. 1105 of 2016:**

Heard the learned counsel for the petitioner as well as learned counsel for the respondents.

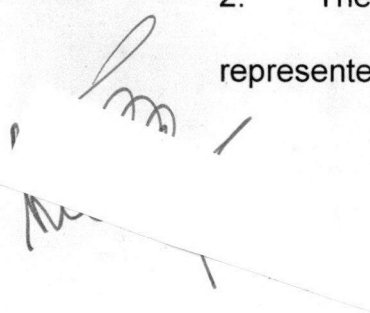
2. Having heard the learned counsel for the parties and upon consideration of the averments made in the application, we are of the opinion that since the claim for disability pension is based on a continuing cause of action, which arises every month, the M.A needs to be disposed of condoning the delay in filing the O.A, with the observation that if the petitioner is found to be entitled to the benefit as claimed in the O.A, the arrears would be restricted for a period of three years preceding the date of filing of the O.A.

3. The M.A stands allowed.

**O.A No. 1467 of 2016:**

Heard Mr Siya Ram, the learned counsel appearing for the petitioner.

2. The O.A is admitted for hearing. Since the respondents are represented by the learned counsel, no need to issue fresh notice. The



respondents shall, within eight weeks from now, file counter affidavit. The petitioner may file rejoinder, if any, within two weeks thereafter.

3. List the matter before the Principal Registrar on **07.02.2017**, for completion of the pleadings.

(B.P. KATAKEY)  
OFFG CHAIRPERSON

(SANJIV LANGER)  
MEMBER

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