

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

8.

OA 1167/2016 with MA 875/2016

Smt. Lochanabai Babarao Kamble

..... Petitioner

Versus

Union of India & Ors.

..... Respondents

For petitioner : Mr VS Kadian, Advocate

For respondents : Mr Surjeet Singh, Advocate

CORAM:

HON'BLE MR. JUSTICE B.P.KATAKEY, OFFG CHAIRPERSON

HON'BLE LT. GEN. SANJIV LANGER, MEMBER

**ORDER
02.11.2016**

M.A No. 875 of 2016:

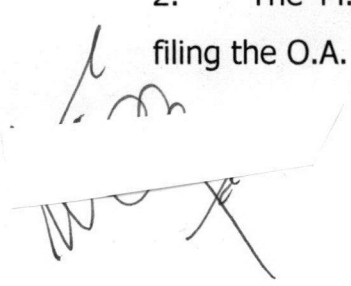
Heard Mr V.S. Kadian, the learned counsel appearing for the petitioner and Mr Surjeet Singh, the learned counsel appearing for the respondents.

2. The petitioner has filed this application seeking condonation of delay contending that since the claim for disability pension and the benefit of broad-banding is based on a continuing cause of action, the delay in filing the O.A needs to be condoned.

3. The learned counsel for the respondents, on the other hand, submits that the petitioner could not demonstrate any sufficient reason in not approaching this Tribunal within the time allowed under the law.

4. Having regard to the submissions advanced by the learned counsel for the parties and the averments made in the application seeking condonation of delay, we are of the considered opinion that the M.A needs to be disposed of with the observation that if the petitioner is entitled to the benefits, as claimed in the O.A, the arrears may be restricted either for a period of three years preceding the date of filing of the O.A or from the date of retirement, whichever occurs later.

2. The M.A accordingly stands disposed of, condoning the delay in filing the O.A.



O.A No. 1167 of 2016:

Heard the learned counsel for the parties.

2. Issue notice. Since the respondents are represented by the learned counsel, no need to issue fresh notice.
3. The respondents shall, within six weeks from now, file counter affidavit. The petitioner may file rejoinder, if any, within two weeks thereafter.
4. Place the matter before the Principal Registrar on **12.01.2017**, for completion of the pleadings. The matter thereafter shall be listed before this Tribunal for orders, when attempt may be made to take up the O.A for final disposal at the order stage itself. The respondents shall keep the medical records of the petitioner ready for the perusal of this Tribunal.

(B.P. KATAKEY)
OFFG CHAIRPERSON

(SANJIV LANGER)
MEMBER

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