

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

1.
OA 791/2016 with MA 883/2016

**Ex Rect Ravi Prakash
Versus
Union of India & Ors.**

..... **Petitioner**

..... **Respondents**

**For petitioner : Mr DS Kauntae & Mr Amit Kumar, Advocates
For respondents : Mr SR Swain, Advocate**

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

**ORDER
07.10.2016**

M.A No. 883 of 2016:

Heard Mr. D.S Kauntae with Mr Amit Kumar, the learned counsel appearing for the petitioner and Mr S.R Swain, the learned counsel appearing for the respondents.

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

3. The M.A is disposed of.

OA No. 791 of 2016:

Issue notice. Since the respondents are represented by the learned counsel, no fresh notice need be issued. The respondents shall, within

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

2. The Registry shall reflect the name of Mr. D.S. Kauntae, the learned counsel appearing for the petitioner, in the future cause lists.

3. Place the matter before the Principal Registrar on **10.01.2017**, for completion of the pleadings. After completion of the pleadings, the matter will be placed before the Court for orders.


(B.P. KATAKEY)
OFFG CHAIRPERSON


(SANJIV LANGER)
MEMBER

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