

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

20.

OA 425/2017 with MA 353/2017

Ex Sgt Anand Kumar Bangarwa

..... **Applicant**

Versus

UOI & Ors.

..... **Respondents**

For petitioner : Mr. VS Kadian, Advocate

For respondents : Mr. SR Swain, Advocate

CORAM:

HON'BLE MR. JUSTICE B.P.KATAKEY, MEMBER

HON'BLE AIR MARSHAL D.C. KUMARIA, MEMBER

ORDER

17.03.2017

MA 353/2017

1. Heard Shri VS Kadian, learned counsel for the applicant as well as Shri SR Swain, learned counsel appearing for the respondents.
2. The applicant has filed this MA praying for condonation of delay in filing the OA, which has been filed claiming the disability element of the pension contending, inter alia, that since the claim for disability pension is based on a continuing cause of action which arises every month, the delay needs to be condoned.
3. The prayer made by the applicant for condonation of delay, has been based by the learned counsel for the respondents contending that since the applicant has ~~filed~~^{filed} to demonstrate any sufficient cause in not filing the OA in time, delay may not be condoned.
4. The claim of the applicant in the OA is based on continuing cause of action which arises every month. Hence, we dispose of the MA with the observation that if the applicant is found to be entitled to the relief claimed, the arrears may be restricted for a period of three years preceding the date of filing of the OA.
5. MA is, accordingly, disposed of.

OA 425/2017

1. Heard Shri VS Kadian, learned counsel for the applicant.
2. OA is admitted for hearing.

3. Since the respondents are represented by the learned counsel, no fresh notice need be issued.
4. The respondents within eight weeks from now shall file the counter.
5. The respondents on the next date fixed, shall also produce the relevant medical records subject to its availability. In case such records are not available, reasons therefor shall be disclosed in the affidavit to be filed.
6. The applicant may file the rejoinder, if any, within two weeks thereafter.
7. List for orders on **11.07.2017** when attempt may be made to take up the OA for final disposal at the order stage itself.

(B.P.KATAKEY)
MEMBER (J)

(D.C. KUMARIA)
MEMBER (A)