

**COURT NO. 1, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

**5.
OA 940/2019 with MA 2653/2019**

**Hav Nepal Chhatra
Versus
Union of India and others**

**... Applicant
... Respondents**

**For Applicant : Mr. V.S. Kadian, Advocate
For Respondents : Dr. Vijendra Singh Mahndiyani, Advocate**

**CORAM:
HON'BLE MR. JUSTICE RAJENDRA MENON, CHAIRPERSON
HON'BLE LT. GEN. PHILIP CAMPOSE, MEMBER (A)**

**ORDER
07.11.2019**

M.A No. 2653 of 2019:

Pursuant to the notice issued, the respondents have filed counter affidavit. However, there being some delay in filing the counter affidavit, an application for condonation of delay under Rule 12(5) of the Armed Forces Tribunal (Procedure) Rules 2008 has been filed.

2. Keeping in view the reasons indicated by the respondents and finding the same bona fide, the delay of 22 days in filing the counter affidavit is condoned. Counter affidavit is taken on record. Rejoinder, if any, be filed within two weeks.

3. The M.A stands disposed of.

O.A No. 940 of 2019:

3. During the course of arguments, learned counsel for the applicant submitted that the applicant has retired on 31.05.2019 and till date, the retiral benefits and pension have not been released. Learned counsel for the respondents may seek instructions and inform the

Tribunal about the action taken by them for release of the pension and other retiral benefits. We may clarify that mere pendency of this matter should not stand in the way of settling his retiral benefits and pension as per entitlement.

4. The interim order shall continue.
5. List again on **17.12.2019.**

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(RAJENDRA MENON)
CHAIRPERSON

(PHILIP CAMPOSE)
MEMBER (A)

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