

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

31.

MA 520/2021 & MA 534/2021 in OA 537/2019

Ex WO Narendra Singh Dengri

.....Applicant

Versus

UOI & Ors.

.....Respondents

For Applicant

: Mr. Ajit Kakkar, Advocate

For Respondents

: Mr. Ashok Chaitanya, Advocate

CORAM:

HON'BLE MS.JUSTICE SUNITA GUPTA, MEMBER (J)

HON'BLE AIR MARSHAL B.B.P. SINHA, MEMBER (A)

ORDER

10.03.2021

MA 520/2021 & MA 534/2021

Vide this application filed under Rule 16 of the Armed Forces Tribunal (Procedure) Rules, 2008, the applicant seeks restoration of the OA which was dismissed on 02.03.2020. Alongwith the MA, another application bearing MA 534/2021 has also been moved seeking condonation of the delay of 281 days in filing the application.

Heard counsel for the applicant as well as Mr. Ashok Chaitnaya, Advocate for the respondents. Although no sufficient cause has been disclosed in the application for condonation of delay in moving the application, still in the interest of justice and in order to decide the case on merits, we deem it appropriate to allow the application and to condone the delay in filing the application. As such, delay of 281 days is condoned. MA 534/2021 stands disposed off.

As regards MA 520/2021, it is submitted that the applicant was supposed to move the application for amendment which was moved by the applicant vide diary No. 5638/2019 on 16.09.2019.

However, due to defects, the same could not be placed on record and therefore, due to non-filing of this application, the OA was dismissed.

In view of the averments made in the application and in the interest of justice, MA 520/2021 is allowed. OA stands restored to its original number and position. MA stands disposed off.

Counsel for the applicant submits that he will make an effort to get the earlier application for amendment of OA listed, failing which, he will move a fresh application for amendment. He is at liberty to do so. Same be done within a period of four weeks.

Relist on **06.07.2021**.

(JUSTICE MS. SUNITA GUPTA)
MEMBER (J)

(AIR MARSHAL B.B.P. SINHA)
MEMBER (A)