

**COURT No.3
ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

26.

OA 1366/2020 WITH MA 1619/2020 AND MA 2843/2021

Sub Maj/Hony Lt Diwakar **Applicant**
Prasad Kotnala (Retd)

VERSUS

Union of India and Ors. **Respondents**

For Applicant : Ms. Archana Ramesh, Advocate

For Respondents : Mr. D.K. Sabat, Advocate

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)

HON'BLE LT GEN P.M. HARIZ, MEMBER (A)

ORDER

02.02.2023

MA 1619/2020

This is an application filed under Section 22(2) of the Armed Forces Tribunal Act, 2007 seeking condonation of delay of 5469 days in filing the present OA. In view of the judgments of the Hon'ble Supreme Court in the matter of **UoI & Ors Vs. Tarsem Singh 2009(1)AISLJ 371** and in **Ex Sep Chain Singh Vs. Union of India & Ors (Civil Appeal No. 30073/2017)** and the reasons mentioned, the MA 1619/2020 is allowed and the delay of 5469 days in filing the OA 1366/2020 is thus condoned. The MA is disposed of accordingly.

MA 2843/2021

This is an application filed on behalf of the respondents for condonation of delay of 367 days in filing the counter affidavit. In view of the reasons explained in MA 2843/2021 and in the interest of justice, the MA 2843/2021 is allowed and the delay of 367 days in filing the counter affidavit is condoned.

OA 1366/2020

The counter affidavit filed by the respondents is on record. No rejoinder is sought to be filed on behalf of the applicant.

The matter be listed for final hearing on **14.07.2023**.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(LT GEN P.M. HARIZ)
MEMBER (A)

NEHA/POOJA