

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

5

MA 2263/2023 in OA 210/2019

Lt Col BN Patnaik (Retd)		Applicant
VERSUS		
Union of India and Ors.		Respondents

For Applicant	:	Mr. O S Punia, Advocate
For Respondents	:	Mr. Neeraj, Sr. CGSC

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE REAR ADMIRAL DHIREN VIG, MEMBER (A)

ORDER
30.05.2023

MA 2263/2023 has been filed on behalf of the applicant seeking modification of order dated 20.04.2023 in OA 210/2019 submitting to the effect in para-24 of the order disposing of the OA dated 20.04.2023 there is an error in the date of discharge of the applicant in as much as it has been mentioned there as 01.07.2017 where is discharge of the applicant on 31.07.2007.

2. Inter alia the applicant submits that the present OA was filed on 04.02.2019 and that the delay of 3185 days in filing the OA was condoned vide order dated 05.01.2023. Whilst accepting notice of the MA 2263/2023, the respondents do not

refute the prayers made to the present application which are borne out to be correct on a perusal of the record in as much as vide order dated 05.01.2023 in MA 2263/2023 the prayer made by the applicant seeking condonation of delay of 3185 days in filing the OA was condoned.

3. Furthermore, a perusal of the OA as well as the counter affidavit filed on behalf of the respondents dated 16.04.2019 makes it apparent that the date of superannuation of the applicant was 31.07.2007 and that the date of discharge mentioned in para-24 of the order dated 20.04.2023 in OA 210/2019 stating it to be 01.07.2017 is apparently an error.

4. In view thereof the date of discharge of the applicant in para-24 in OA 210/2019 is thus rectified to read as being 31.07.2007 in place of 01.07.2017 and furthermore, in as much as the present OA has been instituted only on the date 04.02.2019 with the delay in institution thereof having been condoned as already observed hereinabove vide order dated 05.01.2023, the relief that has been granted in terms of the order dated 20.04.2023 has to be confined and shall commence from a period of three years prior to the institution of the OA in terms of the verdict of the Hon'ble Supreme Court in *UOI & Ors Vs Tarsem Singh* 2009(1)AISLJ 371, and it is directed accordingly.

5. The MA 2263/2023 stands disposed of.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

(REAR ADMIRAL DHIREN VIG)
MEMBER (A)

POOJA