

COURT NO. 3, ARMED FORCES TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

50.

OA 2069/2018 WITH MA 2275/2018

**Ex Sgt Rajeev Kumar Katiyar
Versus**

... Applicant

Union of India & Ors.

... Respondents

For Applicant : Mr. Rajesh Nandal, Advocate

For Respondents : Mr. Y.P. Singh, Advocate

CORAM :

**HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE LT GEN C P MOHANTY, MEMBER (A)**

**ORDER
10.01.2023**

MA 2275/2018

This is an application filed under Section 22(2) of the Armed Forces Tribunal Act, 2007 seeking condonation of delay of 4670 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 2275/2018 is allowed despite opposition on behalf of the respondents and the delay of 4670 days in filing the OA 2069/2018 is thus condoned. The MA is disposed of accordingly.

OA 2069/2018

The right of the respondents to file counter affidavit was closed vide order dated 18.09.2019. According to the learned counsel for the respondents that counter affidavit was filed on 14.07.2019 and copy of the same was supplied to the learned counsel for the applicant, which the applicant does not refute.

Learned counsel for the respondents submits that counter affidavit could not be filed as per proceedings dated 07.05.2019. In the interest of justice, the right to file counter affidavit is restored only in the event of filing the same today itself. No rejoinder is sought to be filed by the applicant.

Original records as per proceedings dated 18.09.2019 be produced by the respondents on the next date of hearing.

Re-list for final hearing on 17.04.2023.

**[JUSTICE ANU MALHOTRA]
MEMBER (J)**

**[LT GEN C P MOHANTY]
MEMBER (A)**