

COURT NO. 3, ARMED FORCES TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

13.

OA 1953/2019 with MA 2823/2019

Ex CH ME Dharmapada Sethi ... Applicant

Versus

Union of India and Ors. ... Respondents

For Applicant : Mr. Ved Prakash, Advocate

For Respondents : Mr. V. Pattabhi Ram, Advocate

CORAM :

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

HON'BLE LT GEN C. P. MOHANTY, MEMBER (A)

ORDER

11.01.2023

MA 2823/2019

This is an application filed under Section 22(2) of the Armed Forces Tribunal Act, 2007, seeking condonation of delay of **1434** 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 2823 /2019 is allowed and the delay of 1434 days in filing the OA 1704/2019 is thus condoned despite opposition by the respondents. The MA disposed of accordingly.

OA 1953/2019

Learned counsel for the respondents submits that counter affidavit is ready and is with him. He seeks time to file the same within a week. He may do so with copy in advance to counsel for the applicant.

No rejoinder is sought to be filed on behalf of the applicant.

The matter is re-notified for final hearing on **09.05.2023**.

[JUSTICE ANU MALHOTRA]
MEMBER (J)

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

nk/AP