

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

14

OA 2265/2019 with MA 2449/2022 & 3171/2019

Ex Hony Nb Sub Daya Shankar Choubey Applicant
VERSUS
Union of India and Ors. Respondents

For Applicant : Mr Mehul Kumar proxy for
Mr. Praveen Kumar, Advocate
For Respondents : Mr. Prabodh Kumar, Advocate

CORAM

HON'BLE MS. JUSTICE ANU MALHOTRA, MEMBER (J)
HON'BLE LT GEN P.M. HARIZ, MEMBER (A)

ORDER
03.02.2023

MA 3171/2019

This is an application filed under Section 22(2) of the Armed Forces Tribunal Act, 2007 seeking condonation of delay of 5081 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 3171/2019 is allowed and the delay of 5081 days in filing the OA 2265/2019 is thus condoned. The MA is disposed of accordingly.



MA 2449/2022

This is an application filed on behalf of the respondents for condonation of delay of 442 days in filing the counter affidavit. In view of the reasons explained in MA 2449/2022 and in the interest of justice, the MA 2449/2022 is allowed and the delay of 442 days in filing the counter affidavit is condoned.

OA 2265/2019

Counter affidavit filed by the respondents is taken on record. Rejoinder, if any, may be filed within four weeks.

The matter be listed for final hearing on 12.07.2023.

(JUSTICE ANU MALHOTRA)
MEMBER (J)

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